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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 15
August 4, 2014

The Burlington City Council met in regular session at 5:30 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.

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

(VOTE: 5 - AYES)

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 162, Fire Prevention Code of the City of Burlington Municipal Code

COMMENTS: The Fire Marshal reviewed with Council and the viewing audience the proposed Ordinance Amending Various Sections of Chapter 162, Fire Prevention Code of the City of Burlington Municipal Code. He explained that the proposed Ordinance would allow for recreational fires with no permit required. He stated

that recreational fires shall be limited to 3 feet or less in diameter and 2 feet or less in height. He stated that the burning material shall be limited to

clean dry wood or commercial fireplace logs. Council Member Shockley stated that she received one concern from a resident who has respiratory problems, but she also has received several people urging Council to allow recreational fires.

Mayor McCampbell suggested that the Council approve the Ordinance for a three-month trial period then revisit the Ordinance after 3-months. Council Member Scott asked if a recreational fire was bothering a neighbor what would happen. The Fire Marshal stated that any Burlington firefighter or police officer is authorized to discontinue the burning if the smoke emissions are offensive to occupants of surrounding property. Council Member Fleming stated that he was in favor of the proposed Ordinance. David Myers of 605 Hedge Street

urged the Council to approve the proposed Ordinance and not on a temporary basis. 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

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

1 - NAY McCampbell)

CARRIED

Introduced By: Scott

Seconded By: Fleming

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 162, Fire Prevention Code of the City of Burlington Municipal Code

DISCUSSION: None.

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

1 - NAY McCampbell)

CARRIED

2. Statement: Consideration of an Ordinance Rezoning the Property Located East of Osborn Street Between Franklin Street and Mt. Pleasant Street from a M-1, Light Industrial, to a R-3, Two-family Residential Zoning District

COMMENTS: The Development and Parks Director stated that the proposed Ordinance rezones the property located east of Osborn Street between Franklin Street and Mt. Pleasant Street from a M-1, light industrial, to a R-3, two-family residential zoning district. He stated that the property is the former Fire Station and the owner plans to use the property as a personal residence. He stated that the proposed Ordinance also rezones other properties in the area that are two-family residential that were previously non-conforming uses. He stated that the Plan Commission voted five to zero in favor of the rezoning. 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: Fleming

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property Located East of Osborn Street Between Franklin Street and Mt. Pleasant Street from a M-1, Light Industrial, to a R-3, Two-family Residential Zoning District

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

3. Statement: Consideration of an Ordinance Amending Section 17.75.104 District Signage Regulations of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code

COMMENTS: The Development and Parks Director stated that the proposed Ordinance amends district signage regulations to allow a church, school, or other institutions and public buildings to be permitted to have a 12-foot high sign when located further than 100-feet from an adjoining lot used and/or zoned for residential purposes. He stated that the request came from the Burlington Community School District who would like to erect a six to an eight-foot fence with 12-ft. high sign at Bracewell Stadium. He stated that many other communities allow 12 to 14 foot signs. He stated that square footage of the sign will remain the same. Council Member Shockley asked for a clarification about a sign adjoining a residential property. The Development and Parks Director stated that the proposed Ordinance stated that a 12-foot high sign when

located further than 100-feet from an adjoining lot used/or zoned for residential purposes from which the 12-foot sign faces the adjoining residential property, so if the sign faces the street, then the â more than 100-footâ would go across the street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Shockley
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Shockley
Motion for Preliminary Adoption of the First Reading of Amending Section 17.75.104 District Signage Regulations of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code

Seconded By: Scott

DISCUSSION: None.
(VOTE: 5 - â AYESâ)

CARRIED

ORDINANCES:

Introduced By: Anderson
1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 31.01 Creation; Composition of Chapter 31 Riverfront Advisory Committee of the Burlington Municipal Code

Seconded By: Scott

DISCUSSION: The City Manager stated that the proposed Ordinance amends the residency requirement for the Riverfront Advisory Committee. He stated that the proposed Ordinance shall give preference to persons who are residents of the City, but members may be appointed who are residents of the Greater Burlington area. The membership shall include a majority of residents residing within City

limits. He stated that the proposed Ordinance amendment also provides that the City Manager or an individual appointed by the City Manager, who shall serve as the tenth member of the Committee in the capacity of an ex-officio member without voting power. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - â AYESâ Shockley, Anderson and Fleming
2 - â NAYâ Scott and McCampbell)

CARRIED

Introduced By: Anderson
2. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 37.02 Membership; Terms of Chapter 37 Renewable Energy and Conservation Advisory Committee of the Burlington Municipal Code

Seconded By: Fleming

DISCUSSION: The City Manager stated that the proposed Ordinance amends the residency requirement for the Renewable Energy and Conservation Advisory Committee. He stated that the change was requested by the members of the Renewable Energy and Conservation Advisory Committee. He stated that the proposed Ordinance shall give preference to persons who are residents of the City, but members may be appointed who are residents of the Greater Burlington area and would allow those who live in Western Illinois to serve. He stated that non-resident membership shall not exceed three members. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Scott

1. 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

DISCUSSION: The Development and Parks Director stated that the City was applying for an application for a REAP grant for construction of a portion of Phase I of the Flint River Trail. He stated that the grant does not require a local match.

He stated that construction would be along Bluff Road from the trail ramp behind Big Muddy to the southern portion of Oak Street. 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

2. Resolution Authorizing the City Council to Execute Applications and Agreements Related to Economic Development Programs to Assist CNH Industrial America, LLC in the Expansion of Its Burlington, Iowa Plant

DISCUSSION: Jason Hutcheson with Greater Burlington Partnership stated that CNH Industrial America, LLC was applying for both the Targeted Jobs Withholding Tax Credit and the High Quality Jobs program for expansion of their Burlington Plant. He stated CNH was a quality employer with good wages. He stated that there was no local match required. He stated that the City Council needed to approve the Resolution of Support for the expansion. Jill Dunlop, Labor Relations Specialist with CNH stated that she hoped that Council would be supportive of the Resolution. Council Member Anderson and Council Member Fleming stated that the expansion was great news. The City Manager asked what expansion has CNH and other manufacturers in Burlington have had in the past. Jason Hutcheson stated that this was the third expansion since 2010. He stated that in 2010 CNH had approximately 350 employees and now it has 750 employees. He stated that other expansions include Alfacomma, Bakers Pride and General Electric. 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: Donna Titus of 1509 Agency Street stated that her husband and her little dog were attacked by two pit bulls that live next door to her home. She stated that she has \$200.00 in veterinarian bills. She stated that she wanted these dogs destroyed as they are aggressive and violent. Mayor McCampbell stated that he was sorry about the dog attack. Chief Beard stated that Donna Titus's case will be going before the Animal Hearing Board and that she has a very strong argument to have the dogs destroyed. He reviewed with the Council and the viewing audience the Vicious Dog Ordinance. He stated that the hearing was scheduled for August 20, 2014. David Myers of 605 Hedge Street stated that he would like to construct a six foot raised garden bed in his front yard. The Development and Parks Director stated that it could not be higher than 4 ft. and would need site clearance for corners and driveways. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:41 p.m.

Approved: August 18, 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 Final Acceptance and Final Payment for the Flint River Trail Project, Phase I Trail Ramp
3. Resolution Naming Depositories for Deposits for the City of Burlington