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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 25  
January 5, 2015

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

(VOTE: 4 - "AYES")

CARRIED

HEARING:

1. Statement: Consideration of Sale of Property Locally Known as 2112 South 3<sup>rd</sup> Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development and Parks Director stated that the City acquired the property at 2112 South 3<sup>rd</sup> Street. He stated that the house was vacant and the City demolished the house and built a new home through the Neighborhood Stabilization Program (NSP). He stated that Kim Dunham, the purchaser, had to meet all application components of the NSP Program and the requirements of the City of Burlington. He stated that Kim Dunham would be purchasing the property for \$115,000.00 and as a part of the NSP Program she will be given \$500.00 in closing costs. Council Member Anderson asked what the City will do with the \$115,000.00. The Development and Parks Director stated that the \$115,000.00 will go back into the NSP Program

to fund additional projects. Jim Davidson, of 2008 South 12<sup>th</sup> Street asked if the City had to sell the property for \$115,000.00. The Development and Parks Director stated that the City had to sell the home for the cost of construction costs or the appraised value, whichever is less. He stated that the down payment that is given ranges from \$500.00 up to \$10,000.00.

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 2112 South 3<sup>rd</sup> Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.  
(VOTE: 4 - "AYES")

ADOPTED

ORDINANCES:

Introduced By: Fleming      Seconded By: Scott

1. Motion for Final Adoption of an Ordinance Rezoning the Properties Located at 724 and 813 North 3<sup>rd</sup> Street and 200 and 204 Arch Street from C-2, General Commercial to R-4, Multi-Family Residential Zoning District

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed Ordinance Rezoning the Properties Located at 724 and 813 North 3<sup>rd</sup> Street and 200 and 204 Arch Street from C-2, General Commercial to R-4, Multi-Family Residential Zoning District from the second reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

CARRIED

Introduced By: Fleming      Seconded By: Scott

2. Motion for Final Adoption of an Ordinance Rezoning the Property Located at 2131 Summer Street from R-2, Single-Family Residential to A-1, Airport Zoning District

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed Ordinance Rezoning the Property Located at 2131 Summer Street from R-2, Single-Family Residential to A-1, Airport Zoning District from the second reading. Karen Steinnagel of 114 Windsor Circle presented the Council with a packet of information in regard to Floyd's E-Z Way Container Service. She stated that she received a cease and desist letter from Floyd's E-Z Way Container Service's attorney, which she presented to the Council. She said that nothing she has said was illegal. She stated that she lives directly across from the fencing of Floyd's E-Z Way Container Service. She apologized to the Council for not coming to the first

two readings due to an illness. She stated that the Airport knowingly rented property to Floyd's E-Z Way Container Service. She complained of the noise that keeps her awake at night and that she suffers from migraines. She stated that the property would need to be paved per EPA guidelines. The Development and Parks Director stated that should the Ordinance rezoning be approved and the continued use remains on the property, that only the "primary surface drive" would need to be paved and the City would work with Floyd's E-Z Way Container Service on a paving plan or time frame. The City Manager stated that this was comparable to other instances. Karen Steinnagel stated that there was leakage of hazardous materials onto the ground. She stated that Floyd's E-Z Way Container Service say that their containers are clean. She questioned where are they cleaning out the containers, at their residential property next door or on Airport property. Council Member Scott stated that he has never seen cleaning solutions or equipment on the property and that Floyd's E-Z Way Container has other property that they wash out containers. Karen Steinnagel urged the Council to not allow Floyd's E-Z Way Container Service to remain on the property. Council Member Anderson stated that the property was mistakenly zoned residential and it should have been zoned A-1, Airport Zoning District. She stated that the proposed Ordinance would correct the mistake. Mayor McCampbell stated that normally the Council receives e-mails or letters from citizens unable to attend the public hearing or readings. He further stated that Karen Steinnagel was now coming to the Council at the third reading and the Council has already discussed the same issues at prior readings. Council Member Scott stated that if what Karen Steinnagel was saying was correct, there would be more people complaining. He further stated that the property has been used as commercial for years. Jim Davidson of 2008 South 12<sup>th</sup> Street stated that the property should be zoned A-1, Airport Zoning District and that the Floyd's E-Z Way Container Service was a separate issue. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk. (VOTE: 4 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Fleming      Seconded By: Scott

1. Resolution Approving the Final Plat of Burlington Commons Plat 2 Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed final plat of Burlington Commons Plat 2 Subdivision. He stated that the subdivision was the former K-Mart Plaza site and the request was for a 5-lot subdivision. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Scott      Seconded By: Anderson

2. Resolution Approving the Final Plat of Cook Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed final plat of Cook Subdivision located north of Mt. Pleasant Street

between Bryan Avenue and Spiegel Street. He stated that it was a two-lot subdivision with a commercial business at the corner of Spiegel Street and Mt. Pleasant Street and a single family home in the northwest corner. He stated that the house is associated with the parking lot that goes with the business. He stated that the yard space was associated with the commercial business. He stated that currently the property lines run north-south and approval of the final plat would make the property line run east-west. The property is under one ownership at the present time. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Scott                      Seconded By: Fleming

3. Resolution Approving the Final Plat of Fourteenth Addition to Flint Ridge Business Park Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed final plat of Fourteenth Addition to Flint Ridge Business Park Subdivision owned by Grow Greater Burlington. He stated that the final plat would create one large lot approximately 31.14 acres. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Scott                      Seconded By: Fleming

4. Resolution of the City of Burlington, Iowa Authorizing the City Council to Execute an Application and Agreements Related to Economic Development Programs and Commit Required Local Matching Funds to Assist Federal-Mogul Ignition Company in the Expansion of its Burlington, Iowa Plant

DISCUSSION: David Toyer, Director of Economic Development for Grow Greater Burlington, stated that the City was executing an application and agreements related to the Economic Development Programs to assist Federal-Mogul Ignition Company in the expansion of its plant. He stated that the local match of 20% of the direct financial assistance to be received under the program was \$20,000.00 in the form of a forgivable loan. He stated that expansion would provide for approximately 28 new full time positions including 11 qualifying jobs with an hourly wage equal or greater than \$14.73 an hour (average laborshed wage). He stated that starting wages are projected to range between \$12.50 and hour and \$50,000.00 yearly depending on the position. He stated that in 2008 Federal-Mogul Ignition Company had a retention project and qualified for Targeted Job's Withholding Tax Credit Program to retain jobs. He stated that the 2008 agreement required that they maintain 330 jobs, but he was happy to report that they have approximately 500 jobs right now. He stated that the new jobs would be on top of the 500 existing jobs. The City Manager stated that the City did bond for the project in 2008. He stated that the principal and interest payments are made from the withholding tax credits that Federal-Mogul received. He stated that Federal-Mogul is approximately two years ahead in principal and interest payments. Council Member Scott asked if the jobs would be guaranteed. David Toyer

stated that the new jobs would be under a new five-year agreement with the State along with a new five-year agreement for the \$20,000.00 in the form of a forgivable loan. The City Manager stated that the Economic Development Committee met last week and approved the \$20,000.00 out of the economic development portion of the local option sales tax for the project. Council Member Anderson stated that she serves on the Economic Development Committee and felt the project was progress. Mayor McCampbell also agreed that the project was progress. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 4 - "AYES")

ADOPTED

COMMENTS FROM AUDIENCE: Freddie Starling of 517 South 7<sup>th</sup> Street invited the City Council to the Rev. Dr. King service on January 19, 2015 at 6:00 p.m., Burlington Memorial Auditorium. He stated that there will be a guest speaker. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:53 p.m.

Approved: January 19, 2015

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

RESOLUTION:

1. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for the 2014 HMA Resurfacing Project

SET DATE FOR PUBLIC HEARING: JANUARY 19, 2015

1. Consideration of Sale of Property Locally Known as 903 South 5<sup>th</sup> Street, City of Burlington, Des Moines County, Iowa