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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 32
April 20, 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, Davidson, Fleming and Scott present.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Youth Appreciation Week: Jamie Blow

Teach Children to Save Day: C.E. Walsh, C.L. Walsh, Vicki Bredar, Reyna Schafer, Kyler Johnson, Mateo Rascon, Krystine Lohr, Taylor Siegel, Carson Wagner & Jensen Wunderlich

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: 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: 5 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Rezoning the Property Located Bound by North Street, Iowa Street, North 6th Street and North 5th Street from R-4, Multi-Family Residential to R-3, Two Family Residential Zoning District

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the proposed Ordinance Rezoning the Property Located Bound by North Street, Iowa

Street, North 6th Street and North 5th Street from R-4, Multi-Family Residential to R-3, Two Family Residential Zoning District. He stated that the property at 1111 North 5th Street was a 5,000 square foot property and was presently zoned multi-family residential. He stated that Ben Brinck of 414 North Street had started a petition to rezone the property from multi-family residential to two family residential. He stated that seven of the 10 neighboring property owners have signed the petition. He reviewed those areas that are presently zoned two family residential in the North Hill area. He stated that the City Planning Commission voted zero in favor and four opposed, with one abstaining to recommend approval of the request to the City Council. He stated that their decision was based on the current and surrounding land uses in the larger neighborhood, the potential impact on other similar lots and blocks being rezoned without consent, the lack of consent among all affected property owners, and having the view that there are other avenues to examine the issues of the neighborhood than rezoning this block in particular. Those who spoke in favor of the proposed Ordinance Rezoning were as follows: David Metzger of 500 North Street; Susan Diehl, President of North Hill Association; Rodney Botts, President of Heritage Hill Association; Lisa Louck of 510 North Street; Joanne Bauer of 2523 Sunnyside Avenue and Ned Russell of 1028 North 5th Street. Many of those that spoke felt that the rezoning would be a big help to the neighborhood and the property; concerned with property values and would like to see preservation of the neighborhood. Lisa Louck of 510 North Street stated that she had not signed the petition and was now ready to sign the petition in favor of the rezoning. Ned Russell of 1028 North 5th Street stated that he bought the property across the street from 1111 North 5th Street in 1958 and raised his children there. He stated that his family had to live going out and coming in through the back door in fear of what was happening at 1111 North 5th Street. Jesse Caston of 12525 Irish Ridge Road stated that he presently has no plans for the house and plans on selling the property. Council Member Fleming asked Jesse Caston if he was planning on using the property for a boarding house. Jesse Caston stated that he has no plans for the property. Council Member Anderson stated that the property was listed for sale as a boarding house. She stated that the house could be a nice home for someone. Mayor McCampbell stated that it bothered him that Ned Russell had to use his back door of his home as he feared going out the front door. He stated that the older he gets the more fearful he gets too. Council Member Anderson stated that she was going to vote in favor of the Ordinance as there was a lack of consent with the neighborhood and they have a vested interest in the neighborhood. Council Member Fleming stated that it does concern him of what was going on at the property in the past. He stated that it does concern him that the neighborhood can request a rezoning of property that they do not own and the owner does not want the property rezoned. He stated that he was unsure how he was going to vote. Council Member Scott stated that he sat on the City Council when the City Council adopted the comprehensive plan back in 1997. He stated that North Hill wanted to be preserved. He stated that he was in support of the comprehensive plan and that he would vote in favor of the property rezoning. He stated that he wanted to make sure that the Council was not overstepping its bounds. Council Member Davidson stated that he would not vote in favor of the rezoning as he would not take away property owner's rights. He stated that the City Council needed to listen to the City Planning Commission that voted zero to four on the rezoning. He stated that he has spoken with the Des Moines County Appraiser and no property values have decreased because of the property at 1111

North 5th Street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Fleming

Motion to Close

(VOTE: 4 - "AYES" Davidson, McCampbell, Scott and Anderson
1 - "NAY" Fleming)

CARRIED

Introduced By: Scott

Seconded By: Anderson

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property Located Bound by North Street, Iowa Street, North 6th Street and North 5th Street from R-4, Multi-Family Residential to R-3, Two Family Residential Zoning District

DISCUSSION: None.

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

FAILED

2. Statement: Consideration of an Ordinance Rezoning the Property Located at 724 North 3rd Street from R-4, Multi-Family Residential to C-2, General Commercial Zoning District

COMMENTS: The Development and Parks Director stated that Young House Family Services owns the property at 724 North 3rd Street and had previously requested in late 2014 that the property be rezoned from general commercial to multi-family residential as they were planning on selling the property. He stated that Young House Family Services had a commercial buyer for the property and are requesting that the property be rezoned back to general commercial. He stated that the City Planning Commission voted five to zero in favor of the rezoning request with the condition that the property not be considered for rezoning again for a one year period, based on the current and surrounding land uses, purchase offer for use of the building as a commercial office, past use of the property as commercial, and conformance to the Future Land Use Map of Burlington. Council Member Davidson stated that this rezoning request was directly opposite of the previous hearing whereas the owner of the property at 724 North 3rd Street was requesting the rezoning which is completely legitimate. The individual wanting to purchase the property stated that he wanted to know if the Council would waive the second reading and final adopt the Ordinance at the May 4, 2015 City Council meeting. The City Manager stated that there were three readings on an Ordinance. He stated that should there be no input from the public between now and the second reading of the Ordinance, it is possible that the City Council may waive the second reading and final adopt the Ordinance, although there is no guarantee that they will waive and final adopt the Ordinance on May 4, 2015. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Fleming

Motion to Close

CARRIED

Introduced By: Scott Seconded By: Anderson
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the
Property Located at 724 North 3rd Street from R-4, Multi-Family Residential to C-2,
General Commercial Zoning District

DISCUSSION: None.
(VOTE: 5 - "AYES")

CARRIED

3. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located Between North Main Street and North Front Street, Running from Valley Street to Market Street, Burlington, Iowa

COMMENTS: The Development and Parks Director stated that CMM Co., LC (Frank Millard Company) has requested that the vacation and sale of a portion of alley right-of-way located between North Main Street and North Front Street, running from Valley Street to Market Street. He stated that Frank Millard Company owns the property adjacent to the alley except the parking lot that is owned by U.S. Bank of 118 North Main Street. He stated that Frank Millard Company was planning to construct a new building and would like to connect to the buildings on the east side of the building. He stated that the City Planning Commission voted four to zero in favor of approval of the vacating of the alley based on the ownership of land surrounding the alley by the applicant and the lack of need for the alley by the City. He stated the conditions of the vacation includes utilities for Alliant and Mediacom will be relocated at the petitioner's expense, that the petitioner must obtain a signed agreement from the owner at 118 North Main Street (U.S. Bank) that consents the City of Burlington to vacate the alley and transfer ownership to CMM Co., LC (Frank Millard Company), the petitioner must grant a perpetual easement to the owner of 118 North Main Street for ingress and egress access across the property transferred to this lot and maintain such in a sound capacity, and that the combined sewer in the alley shall become CMM Co., LC (Frank Millard Company) to maintain and shall only be used for sanitary sewer usage. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Anderson
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Davidson
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and
Selling a Portion of Alley Right-of-Way Located Between North Main Street and North
Front Street, Running from Valley Street to Market Street, Burlington, Iowa

DISCUSSION: None.
(VOTE: 5 - "AYES")

CARRIED

4. Statement: Consideration of a General Obligation Refunding Loan Agreement in a Principal Amount Not to Exceed \$9,450,000

COMMENTS: The City Manager stated that the City was entering into a general obligation refunding loan agreement in a principal amount not to exceed \$9,450,000.00 and approving preliminary official statement. He stated that the purpose of refunding a portion of the outstanding balances of the City General Obligation Bonds, Series 2006; General Obligation Bonds, Series 2007 and Taxable Urban Renewal Tax Increment Revenues Bonds, Series 2006. He stated that there could be a savings of approximately \$20,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Anderson
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Anderson
Resolution Expressing Intent to Enter into a Loan Agreement and Approving Preliminary Official Statement

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

5. Statement: Consideration of a Sewer Revenue Loan Agreement in a Principal Amount Not to Exceed \$2,250,000

COMMENTS: The City Manager reviewed with Council and the viewing audience the proposed sewer revenue loan agreement in a principal amount not to exceed \$2,250,000.00. He stated that the projects were as follows: Cascade Project; miscellaneous sewer rehab repairs; MASL study and MASL project. He stated that the City does have some cash on hand for the projects. He stated that a public hearing was required prior to borrowing money. He stated that the SRF financing was 2% interest. He stated that the City would be borrowing more than anticipated cost and could be used for future sewer projects. He stated that there would be ratings by Moody's on Tuesday, April 21, 2015. Council Member Scott stated that he would like a summary of the sewer separation project. The City Manager stated that RJN study was not completed, but once the study was done he would be able to have a summary of the project. 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: Davidson
Resolution Declaring Intent to Enter Into a Sewer Revenue Loan Agreement

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

6. Statement: Consideration of a Public Transit Infrastructure Grant Application

COMMENTS: The Public Works Director reviewed with Council and the viewing audience the public transit infrastructure grant application. He stated that the total project was \$645,846.00 and only the grant portion of the grant is eligible for funding. He stated that the total roof repair was \$135,808.00 with the transit portion \$89,962.00 and the non-transit portion \$45,846.00. He stated that the City was requesting \$480,000.00 in grant funding with a local match of \$145,846.00. He stated that the local match would be funded as follows: City funds \$120,000.00, Heritage Trust funds \$9,570.00 and Friends of the Depot \$36,276.00. He reviewed the Great Room make-over that will include \$64,001.00 for HVAC, \$75,000.00 for electrical and \$111,965.00 for windows. He further reviewed the proposed implementation schedule as follows: submit PTIG application May 1, 2015; announcement of PTIG results July 1, 2015; under contract with consultant for construction documents August 3, 2015; estimated time to complete construction documents October 30, 2015; public notice bid opening November 2, 2015; pre-bid conference November 11, 2015; bid opening November 25, 2015, contractors under contract (six months after PTIG announcement), no later than January 1, 2016 and work to be completed by (18 months after PTIG announcement), no later than January 1, 2017. He further stated that he was working on getting a letter of support from Burlington Northern Railroad. Mayor McCampbell and the Council stated that they were happy with the proposed improvements to the Depot. 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: Davidson
Resolution Approving a Public Transit Infrastructure Grant Application

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

7. Statement: Consideration of Annual Consolidated Transit Funding Application

COMMENTS: The Public Works Director reviewed with Council and the viewing audience the annual transit funding application. He stated that the City was applying for financial assistance with the Iowa Department of Transportation as following: 1.6185445% in State Transit Assistance Program; federal funds in the amount of \$384,986.00 and statewide federal capital assistance for transit \$564,400.00. He stated that he was applying for five vehicles in the amount of \$664,000.00 of which 85% would be funded. He stated that the City's cost for a ride was \$4.00. Mayor McCampbell thanked the Public Works Director for filling out the consolidated

transit funding application. 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 Annual Consolidated Transit Funding Application

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

RESOLUTIONS:

Introduced By: Davidson Seconded By: Scott
1. Resolution Approving the Final Plat of Marlow Meadow Subdivision

DISCUSSION: The Development and Parks Director reviewed the final plat of Marlow Meadow Subdivision with Council and the viewing audience. He stated that Marlow Meadow Subdivision was a one-lot subdivision located within two miles of the City's boundaries and was located between Memorial Park Road and Plank Road and just north of Sunnyside Avenue. He stated that the owner plans on subdividing the one-lot subdivision into two lots. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Scott
2. Resolution of Support for the Workforce Housing Tax Incentive Program Project by Cripple Creek Land Co., LLC

DISCUSSION: The Development and Parks Director stated that the proposed Resolution was for support for the workforce housing incentive program project by Cripple Creek Land Company, LLC. He stated that the redevelopment of existing, infill lots with new single-family and duplex housing units were in the best interest of the City. He stated that the City currently offers a tax abatement incentives City-wide for new construction in the amount of 100% of the value added to a property for a three-year time period. The local match has an estimated value of \$2,000.00 to \$2,500.00 per year for a new duplex and \$1,500.00-\$2,000.00 per year for a new single family home. He stated that the vacant properties that Cripple Creek Land Co., LLC would be redeveloping were located at: 515 Valley Street, new construction of a duplex and new single-family homes at 515 South Marshall Street, 517 South Marshall Street and 644 Higbee Street. He stated that these were vacant lots that the City sold to Cripple Creek Land Co., LLC. He further stated it would also include new construction of single-family homes at 3011 Fleming Court and 3013 Fleming Court. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Scott

3. Resolution Authorizing an Agreement Between the City of Burlington and the Flood Mitigation Board

DISCUSSION: The City Manager stated that the City was awarded \$26,200,000.00 for a flood mitigation project. He stated that the agreement between the City and the Flood Mitigation Board has reporting requirements, a construction schedule and the appendix of the estimated sales tax collection that will pay for the project. He stated that the City will now be in partnership with the Flood Mitigation Board and there will be annual reports that the City will need to submit in regard to the revenues collected and expenditures made. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Scott

4. Resolution Awarding Contract for the 2015 MASL Sewer Separation, Market, Phase I

DISCUSSION: The Public Works Director reviewed with Council and the viewing audience the 2015 MASL Sewer Separation, Market, Phase I. He stated that the project was going to take place now as the City was planning an STP Project for Division Street and he did not want to have to tear the street back up for the MASL Sewer Separation Project. He stated that there were two bidders for the project with the project being awarded to the low bidder, Fye Excavating, Inc. of Sperry, Iowa in the amount of \$568,905.62. He stated that the Engineer's estimate for the project was \$604,000.00. Council Member Scott asked if the project had changed any since the public hearing on the plans and specifications. The Public Works Director stated that there were no changes since the public hearing on the plans and specifications. Council Member Davidson thanked the Public Works Director for coordinating the project with the Division Street Project so that the street did not get torn up due to the sewer separation 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: Davidson Seconded By: Scott

5. Resolution Awarding Contract for the 2015 HMA Resurfacing Project

DISCUSSION: The Public Works Director stated that the 2015 HMA Resurfacing Project would provide for the removal of existing asphalt, cleaning and repair of underlying pavement, spot curb replacement, ADA curb ramps and a new asphalt surfacing of approximately 1.87 miles (33 blocks) of City streets. He stated that two bids were received on April 8, 2015 with the project being awarded to the low bidder, Cessford Construction of Burlington, Iowa in the amount of \$779,491.03. He stated that the City Engineer's estimate was \$785,203.23. 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: None.

Adjournment: 7:33 p.m.

Approved: May 4, 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

RESOLUTIONS:

1. Resolution Adopting Code of Conduct, Equal Opportunity Policy Statement, Policy on the Prohibition of the Use of Excessive Force, the Resident Anti-Displacement and Relocation Assistance Plan, Procurement Policy and Public Notice Affirmative Fair Housing Policy
2. Resolution Approving 28E Agreement Between the City of Burlington and the City of West Burlington to Provide for Contract Use of Inspector/Code Enforcement Personnel
3. Resolution Expressing Intent to Provide Guidelines Regarding Flood Mitigation Controls Along the Mississippi River in Burlington, Iowa
4. Resolution Amending Solid Waste Fees Effective July 1, 2015
5. Resolution Amending Sewer User Fees Effective July 1, 2015
6. Resolution Amending Storm Water Utility System Fees Pursuant to Chapter 100.02 of the Burlington City Code
7. Resolution Amending Septic Haulers Fees Effective July 1, 2015

SET DATE FOR PUBLIC HEARING: MAY 4, 2015

1. Consideration of Sale of Property Locally Known as 1305 South 12th Street, City of Burlington, Des Moines County, Iowa