

Subject to change as finalized by the City Clerk. For a final official copy, contact the City Clerk's office at (319)753-8124.

MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 15
August 7, 2006

The Burlington City Council met in regular session at 7:00 p.m. in Thomas J. Smith Council Chambers, City Hall with Mayor Edwards, Council Members Campbell, Ell and Scott present. Mayor Edwards announced that Council Member Thomas was absent due to a family issue. He further stated that Council Member Ell had been absent from the July 17, 2006 meeting due to a Boy Scout function. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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 not 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: Edwards

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

DISCUSSION: Mayor Edwards 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

ORDINANCE:

Introduced By: Ell

Seconded By: Scott

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 65.32 Vicious Domestic Animals of Chapter 65 Animal Control

DISCUSSION: Council Member Ell stated that Council Member Thomas could not be at the Council Meeting but had requested an amendment to Section 65.32 (8.) Vicious

Animals - Destruction by replacing the word Police Department to Citizen Review Committee. He introduced the motion to amend with Council Member Scott seconding the motion. Dave Hanrahan of 1703 Oak Street suggested that the Ordinance be continued to the next meeting when Council Member Thomas would be present to explain why he wanted to amend the Ordinance. Council Member Scott read a statement by Council Member Thomas requesting the amendment for the reasons as follows: review board made up of citizens would give the person accused a feeling of impartiality because the person would be heard by their peers; Police Chief making the final call and being the highest law enforcement officer in the City might give an intimidating appearance to the average citizen

and, therefore, the citizen may feel there is no recourse and feel defeated and, therefore, not challenge the decision; the Citizen Review Board would serve at

the Mayor and Council request and be chosen like other Commissions from a pool of volunteers; and the Animal Control Officer would act as the Ex-officio to the

Commission. Mayor Edwards questioned if the change to the Ordinance was a substantial change and the Council would need to start the Ordinance process over. Council Member Ell also felt that the change to the Ordinance would represent a substantial change. Police Chief Wunnenberg reminded the Council that there was an appeal process for the animal owner if they were unhappy with the ruling. The City Manager reminded the Council that the only section of the Ordinance that was changing was if an animal should be put down, who would be making that decision. Leon Shahan of 1821 Mt. Pleasant Street stated that he was concerned with an Ordinance that would take up time on an issue that was only happening once or twice a year. Linda Belger of 380 South 6th Street stated her concern with implementing a Citizen Review Committee as she was concerned with those members being placed at risk for punctured tires or windows

knocked out by the animal owner when the animal is destroyed. After considerable discussion by the Mayor and Council the motion to amend was carried

with a three to one vote. Then after roll call vote on the second reading of the Ordinance as amended, it failed with a two to two vote. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 2 - AYES EDWARDS AND SCOTT
2 - NAYS ELL AND CAMPBELL)
FAILED

Introduced By: Ell Seconded By: Scott

2. Motion to Amend Section 65.32 (8.) Vicious Animals - Destruction as Follows:

Any vicious animal which attacks a human being, domestic animal or livestock shall be ordered destroyed if the Citizen Review Committee determines that the animal represents a continuing threat to the community.

DISCUSSION: None.

(VOTE: 3 - AYES EDWARDS, SCOTT AND CAMPBELL
1 - NAYS ELL)
CARRIED

COMMENTS FROM AUDIENCE: None.

Adjournment: 7:45 p.m.

Approved: August 21, 2006

Kathleen P. Salisbury, MMC

Mike Edwards
City Clerk

Mayor

(See tapes 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 Demolition/Nuisance Abatements for Various Properties
2. Resolution Approving Purchase of a Progressive Proflex 10 ft Pull Behind for Flint Hills Golf Course

SET DATE FOR PUBLIC HEARINGS: August 21, 2006

1. Consideration of an Ordinance Amending Sections 22.03 Quorum/Voting, 22.04 Regular Meetings and 22.05 Joint Meetings of Chapter 22 Planning and Zoning Commission of the Burlington Municipal Code
2. Consideration of an Ordinance Amending Various Sections of the Zoning and Subdivision Regulations of Title 17, City of Burlington Development Program of the Burlington Municipal Code
3. Consideration of Plans and Specifications for the 2006 Parking Lot Improvements, 5th Street and Valley Street
4. Consideration of Plans and Specifications for the 2006 Enhancements to Burlington Memorial Auditorium