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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 18
September 18, 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, Scott and Thomas present.

BURLINGTON CITY COUNCIL

PROCLAMATION:

Family Day A Day to Eat Dinner with Your Children - Michelle Williams

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: Ell Seconded By: Campbell

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. Council Member Ell announced those individuals appointed to various City commissions and boards. Leon Shahan of 1821 Mt. Pleasant Street questioned if there was payment on the city claims to Aspelmeier, Fisch, Power, Engberg and Helling in regard to the Burlington Northern lawsuit. The City Manager stated that there was no payment to Aspelmeier, Fisch, Power, Engberg and Helling regarding the Burlington Northern lawsuit. Leon Shahan further requested the removal of the Resolution Setting Date for Public Hearing for September 25, 2006 for consideration of a Resolution Amending Resolution 5113 by

Creating Stages I-IV Within Phase III of the Flint Hills Urban Revitalization Plan Adopted by the Burlington City Council on August 20, 1979 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 - AYES)

CARRIED

HEARING:

1. Statement: Consideration of the Creation of Dehn Street Park for Public Purpose

COMMENTS: The Development Director stated that the proposed Resolution would provide for the creation of Dehn Street Park to be used for a public purpose subject to Chapter 57 Park Regulations of the Burlington Municipal Code. He stated that the park would be located on a 23-acre City owned property located off of Dehn Street. He stated that at a future meeting the Council would look at a proposal to possibly use the park for

a dog park. Presently the City has a radio tower on the property that is used for emergency communications. Plans are for U.S. Cellular to replace the tower

and allow the City to place its emergency communications on it. Paul Polson of 1801 Dehn Street stated that Dehn Street was a sealcoated dead-end street. He stated his concern where people would park. The Development Director stated that a parking lot would be constructed once the planned uses were established. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Campbell Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Campbell Seconded By: Edwards
Resolution Approving Creation of Dehn Street Park for Public Purpose

DISCUSSION: None.
(VOTE: 5 - AYES)

ADOPTED

ORDINANCES:

Introduced By: Scott Seconded By: Thomas
1. Motion for Final Adoption 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

DISCUSSION: The City Manager stated that there were no changes to the proposed 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 from the second reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - AYES)

CARRIED

Introduced By: Thomas Seconded By: Edwards
2. Motion for Final Adoption 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

DISCUSSION: The City Manager stated that there were no changes to the proposed Ordinance Amending Various Sections of the Zoning and Subdivision Regulations of Title 17, City of Burlington Development Program of the Burlington Municipal Code from the second reading. Council Member Scott had various questions in regard to parking regulations which were answered by the Development Director. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - AYES)

CARRIED

RESOLUTION:

Introduced By: Edwards Seconded By: Thomas
SET DATE FOR PUBLIC HEARING: September 25, 2006
1. Consideration of a Resolution Amending Resolution 5113 by Creating Stages I-IV Within Phase III of the Flint Hills Urban Revitalization Plan Adopted by the Burlington City Council on August 20, 1979

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street questioned if the City Council would be voting following the public hearing scheduled for September 25, 2006 Special City Council Meeting in regard to the consideration of a Resolution Amending Resolution 5113 by Creating Stages I-IV Within Phase III of the Flint

Hills Urban Revitalization Plan Adopted by the Burlington City Council on August 20, 1979. The City Manager stated that the City Council would be voting on the issue following the public hearing. Leon Shahan questioned if the Resolution would authorize the issue of eminent domain. He further felt the time frame was

short for holding a public hearing and giving the neighborhood notice of meeting. The Development Director stated that the Resolution would authorize eminent domain. He further stated that a public informational meeting for residents and property owners of the affected area would be held on Thursday, September 21, 2006 at 5:30 p.m. at the outdoor shelter on the north side of the Knights of Columbus building on Columbus Drive. Mary Baker of 320 South 6th Street stated her concern that it could rain or be very cool conditions for an outdoor meeting. The Development Director stated that the City was very limited

on a place to hold a meeting for the neighborhood and they wanted to keep the meeting in the neighborhood to promote better attendance. The City Manager explained that the relocation process would take place at a much later date and tenants/property owners would be given the needed time to find living arrangements. 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: Leon Shahan of 1821 Mt. Pleasant Street presented the Mayor with an article citing the problems of Cities offering incentives to businesses at the expense of the taxpayer. Mayor Edwards stated that he would read the article and discuss it at a later date. John Fenton of 1332 Griswold Street made derogatory personal comments against City Manager Slagle, his family, Mayor Edwards and Mayor Pro-Tem Ell. He asked for their resignations. He stated that since the last meeting he had done his homework and made comments

about the Burlington Northern Railroad lawsuit. Mayor Pro-Tem Ell questioned where John Fenton did his homework in regard to the Burlington Northern lawsuit as the information was incorrect. Mayor Edwards defended the City's action prior to the lawsuit and stated that he would not discuss the issue until after September 27, 2006. The City Manager defended false accusations made by John Fenton in regard to his son and told John Fenton that his family was completely off-limits. John Fenton then stated that he had received 100 or more e-mails from residents concerned about the proposed Flint Hills Manor project. Bob Drafahl of 1739 Dehn Street asked if the YM/YWCA driveway could be made a one-way entrance only, which would alleviate traffic problems in the neighborhood. The City Manager stated that the issue would need to be discussed

with the YM/YWCA as it was a private drive owned by the YM/YWCA. Mary Baker of 320 South 6th Street stated that she would like to see more visual information from the Dog Park Committee. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:13 p.m.

Approved: October 2, 2006

Kathleen P. Salisbury, MMC
City Clerk

Mike Edwards
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 Outdoor Service Area for Paddlewheel Lounge, Inc. dba/Paddlewheel Lounge for Heritage Days on September 29 and 30, 2006
2. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for the 2006 Sealcoat Project
3. Resolution Rejecting All Bids for the 2006 Parking Lot Improvements, 5th Street and Valley Street
4. Resolution Approving Commercial and Industrial Marketing Facilities Services Agreement with Interstate Power and Light Company (IPL), an Alliant Energy Company for a Study of Replacing the Existing High Voltage, Series-Wired, Street Lighting in Downtown Burlington with New Parallel-Wired Low Voltage Lighting Fixtures
5. Resolution Approving Fiscal Year 2005-2006 Street Finance Report, Road Use Tax
6. Resolution Authorizing the Filing of an Application for State of Iowa Safe Routes of School Funds for Removal of Turning Lane on Madison Avenue at the Intersection of Madison Avenue and South Street and Installation of Two Traffic Speed Indicators on Madison Avenue and South Street for Grimes Elementary School
7. Resolution Authorizing the Filing of an Application for State of Iowa Safe Routes of School Funds for Construction of a Sidewalk Along Cliff Road from the Intersection of Sunnyside Avenue to the Intersection of Florence Avenue and for the Purchase and Installation of Two Traffic Speed Indicators on Sunnyside Avenue for Sunnyside Elementary School

APPOINTMENTS:

Human Rights Commission - John Carroll, J.R. Ritters, Mary Baker, Sarah Oldfield and Nancy Schulte
Library Board of Trustees - Winton E. Boyd, Roger Sheagren and Joyce Wauters