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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 27
February 5, 2007

The Burlington City Council met in regular session at 7:00 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor Edwards, Council Members Campbell, Ell, Scott and Thomas 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 not separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

Introduced By: Thomas 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. Council Member Ell announced those individuals appointed to various City commissions and boards. 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 an Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Property Located at the Southwest Corner of Maple Street and South 9th Street from C-1 (Limited Commercial Zoning District) to C-2 (General Commercial Zoning District)

COMMENTS: The City Planner reviewed with Council and the viewing audience, the proposed Ordinance that amends the official zoning map for the City of Burlington by rezoning the property located at the southwest corner of Maple Street and South 9th Street from C-1 (Limited Commercial Zoning District) to C-2

(General Commercial Zoning District). He stated that the property that was requested to be rezoned was the former Aldi store. He stated that the owner of the former Aldis store located at Maple Street and South 9th Street has requested the rezoning change to allow for a larger pool of uses for the building. He stated that the Plan Commission met on January 29, 2007 and voted six 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: Campbell
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Campbell

Seconded By: Thomas

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending

the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Property Located at the Southwest Corner of Maple Street and South 9th Street from C-1 (Limited Commercial Zoning District) to C-2 (General Commercial Zoning District)

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

ORDINANCES:

Introduced By: Scott

Seconded By: Edwards

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Ordinance Number 2981 Relating to the Division of Taxes in

Urban Renewal Areas by Deleting the Pheasant Run Urban Renewal Area

DISCUSSION: The City Manager stated that there were no changes to the Ordinance

Amending Ordinance Number 2981 Relating to the Division of Taxes in Urban Renewal Areas by Deleting the Pheasant Run Urban Renewal Area from the first reading. Council Member Scott made a motion to waive the second reading and to final adopt the Ordinance Amending Ordinance Number 2981 Relating to the Division of Taxes in Urban Renewal Areas by Deleting the Pheasant Run Urban Renewal Area. Mayor Edwards seconded the motion. After roll call vote the motion was unanimously approved. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Scott

Seconded By: Edwards

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second

Reading and for Final Adoption of an Ordinance Amending Ordinance Number 2981 Relating to the Division of Taxes in Urban Renewal Areas by Deleting the Pheasant Run Urban Renewal Area

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Scott

Seconded By: Thomas

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Creating a PUD (Planned Unit Development) Overlay Zone for the Property at the Southeast Corner of South Gear Avenue and West Avenue as Allowed by Section 17.20.40 of the Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes to the Ordinance

Amending the Official Zoning Map for the City of Burlington, Iowa by Creating a PUD (Planned Unit Development) Overlay Zone for the Property at the Southeast Corner of South Gear Avenue and West Avenue as Allowed by Section 17.20.40 of the Burlington Municipal Code from the first reading. He stated that the present

and future owners have requested that the Council waive the second reading and final adopt so that they can move forward with their project to build an assisted living facility on the site. Council Member Scott made a motion to waive the second reading and to final adopt the Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Creating a PUD (Planned Unit Development) Overlay Zone for the Property at the Southeast Corner of South Gear

Avenue and West Avenue as Allowed by Section 17.20.40 of the Burlington Municipal Code. Council Member Thomas seconded the motion. After roll call vote

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

(VOTE: 5 - AYES)

CARRIED

Introduced By: Scott

Seconded By: Thomas

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Creating a PUD (Planned Unit Development) Overlay Zone for the Property at the Southeast Corner of South Gear Avenue and West Avenue as Allowed by Section 17.20.40 of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Ell

Seconded By: Scott

1. Resolution Authorizing the Acquisition of All Remaining Real Estate in Flint Hills Manor by Eminent Domain

DISCUSSION: The City Manager stated that the proposed Resolution allows the City's corporate counsel to acquire ten properties in Flint Hills Manor by eminent domain, if necessary, if further negotiations with the individual property owners are not successful. The City Planner stated that negotiations are still taking place and one of the properties listed on the previous acquisition list by eminent domain from the January 16, 2007 meeting has now been successfully negotiated and purchased. Robert Brent of Middletown, stated that he owns property at 210-228 Ordinance Court and requested that the City Council postpone the approval of the Resolution authorizing the acquisition of all remaining real estate in Flint Hills Manor by eminent domain until the City Council has time to review the information that he had previously submitted to the City Council in regard to his property. He further stated that he has had renters already move from his duplexes and now he cannot rent those apartments due to the project. He stated that he would like to receive compensation from the City. The City Manager stated that once the project was announced in September 2006, if someone approaches the City to relocate they are required by law to move them. The City Planner stated that under federal guidelines the City has recommended that tenants stay until the City purchases the property. He stated that if the tenant moves prior to the City purchasing the property the

tenant receives a minimum amount to relocate. Robert Brent stated that he could

not accept the City's offer on his property. Mayor Edwards suggested that Robert Brent get a second appraisal from a certified appraiser. Council Member Scott stated that it was the intention of the City Council to move forward with the project yet for all owners to receive a fair settlement. He stated that it was possible that there were problems with some appraisals and suggested that Robert Brent get a second appraisal from a certified appraiser. He stated that he was committed to the project and felt it was best for the community to move forward with the project. Mayor Edwards concurred with the statements made by Council Member Scott. He further encouraged staff to sit down with Robert Brent

once he gets his certified appraisal. Council Member Ell stated that timing for

the project was extremely important and highly regulated. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Ell

Seconded By: Edwards

2. Resolution Adopting a Plan to Allocate Hotel/Motel Tax Revenues

DISCUSSION: The City Manager stated that the proposed Resolution adopts a new allocation plan for hotel/motel tax revenues. He stated that there has been a history of increasing hotel/motel tax revenues since the construction of Comfort

Inn Suites and Fun City. The Deputy City Manager reviewed with Council and the viewing audience the previous percentage allocations of the hotel/motel tax revenues. He stated that under the new plan the Welcome Center will now be combined with the Convention and Tourism Bureau. He stated that the new plan sets a dollar amount in place of percentages. He stated that the first \$410,000.00 in revenues would be allocated as follows: Convention and Tourism Bureau/Welcome Center \$210,000.00; Auditorium \$14,000.00; Riverfront \$49,000.00;

Parks/Recreation \$70,500.00; Cultural Assistance \$17,500.00; Special Projects \$8,750.00 and Community Field \$40,250.00. All proceeds in excess of \$410,000.00

shall be allocated 50% to the Convention Visitor Bureau and 50% to the City to be allocated as the City Council determines. He further stated that he felt \$410,000.00 was a conservative number to base the formula on. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ Edwards, Ell Scott & Thomas

1 - â NAYâ Campbell)

ADOPTED

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street stated that the RecPlex, Flint Hills Golf Course and the enterprise fund have lost monies. He further stated that monies were being thrown away on the auditorium, Burlington Urban Service and the Chamber of Commerce. He urged the Council to stop spending his tax money on wasteful projects. Council Member Scott explained that the hotel/motel tax was voted and approved by the taxpayers of Burlington and those funds were being paid by out-of-town people visiting Burlington. He stated that the RecPlex, Flint Hills Golf Course and the swimming pool lose monies but were considered quality of life activities. He stated that Leon Shahan had a way of twisting numbers. The Deputy City Manager stated that Leon Shahan needed to review Accounting 101 in regard to depreciation as a non-cash expense. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:37 p.m.

Approved: February 20, 2007

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 Demolition/Nuisance Abatements for Various Properties
2. Resolution Approving Purchase of a Toro Groundsmaster 3505-D Mower for the RecPlex
3. Resolution Approving Urban Revitalization Tax Exemptions Pursuant to Chapter 404 of the State Code of Iowa
4. Resolution Authorizing the Submittal of a TIP Amendment Request to Accomplish Transit Bus Maintenance

APPOINTMENTS:

Historical Preservation Commission: Georgette C. Allen
Flint Hills Golf Course Advisory: Don Gibbs, Bill Maupin, Sally Box, Mac Osbourn
e
and Brian Messer