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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 32
April 16, 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. Boy Scout Troop 106 led the City Council in the Pledge of Allegiance.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Motorcycle Safety Awareness Month - Kenton Cole
Teach Children to Save Day - Charlie Walsh and Vicki Bredar
Earth Day - Randy Miller
Clean Out Your Files Day - Darven Kendell
Arbor Day - Kirt Ormesher
Teen Pregnancy Prevention Month - Kara Roberts
Equal Pay Day - Marlis Robberts

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: Scott

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 Campbell requested the removal of the Resolution Approving Beer, Liquor, Wine and Cigarettes from the Consent Agenda for discussion at the close of the meeting. 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

HEARINGS:

1. Statement: Consideration of Annual Consolidated Transit Funding Application

COMMENTS: The Transit Manager stated that the public hearing on the filing of an application to the Iowa Department of Transportation for Federal and State operating assistance for B.U.S. was a required hearing. He stated that the City was anticipating receiving approximately the following: \$199,446.00 in FTA monies with a local match and \$137,902.00 in STA monies. He stated that the balance of the estimated operating budget would be from fare boxes and levies. He stated that from July 2005 to June 2006 bus ridership was 144,840 and the City buses traveled 183,290 miles. He further stated that City transit staff

consists of six full-time employees and six part-time employees. He also stated that the Capital Assistance portion of this year is an estimated amount of Peer-Pool Funds allocated from federal dollars and distributed through the Iowa Department of Transportation. The reflected value of \$39,557.00 is slightly amended. The local match must be at least 17% of the total cost of a new bus. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk

Introduced By: Thomas Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Thomas Seconded By: Scott
Resolution Approving Annual Consolidated Transit Funding Application

DISCUSSION: None.
(VOTE: 5 - â AYESâ)
ADOPTED

2. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance amends various sections of Chapter 154 Residential Code of the Burlington Municipal Code. He stated that the City would be moving from the 2003 Edition to the 2006 Edition. He further stated that the proposed Ordinance would provide for cleanup and clarification of the Code. The Chief Code Inspector was available for questions. Council Member Scott stated his dislike for requiring the doubling of permit fees for not obtaining a building permit. After considerable discussion by the City Council the motion for preliminary adoption of the first reading of the Ordinance was carried. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Thomas Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Thomas Seconded By: Edwards
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

DISCUSSION: None.
(VOTE: 5 - â AYESâ)
CARRIED

3. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance amends various sections of Chapter 155 International Building Code of the Burlington Municipal Code. He stated that the City would be moving from the 2003 Edition to the 2006 Edition. He further stated that the proposed Ordinance would provide for cleanup and clarification of the Code. The Chief Code Inspector was available for questions and spoke about the guidelines for downtown development. Val Gianettino, Director of Downtown Partners, thanked the City Council for looking at the issue of redevelopment of older downtown buildings. Council Member Scott

brought up the issue of sprinkler systems and felt it was not realistic to require sprinkler systems in residential homes. After considerable discussion by the City Council the motion for preliminary adoption of the first reading of the Ordinance was carried. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Ell Seconded By: Campbell
Motion to Close

CARRIED

Introduced By: Ell Seconded By: Campbell
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code

DISCUSSION: None.
(VOTE: 5 - â AYESâ)
CARRIED

4. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance amends various sections of Chapter 156 International Existing Building Code of the Burlington Municipal Code. He stated that the City would be moving from the 2003 Edition to the 2006 Edition. He further stated that the proposed Ordinance would provide for cleanup and clarification of the Code. The Chief Code Inspector was

available for questions. Council Member Scott stated his concern about the penalty section of the Code. After considerable discussion by the City Council the motion for preliminary adoption of the first reading of the Ordinance was carried. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Ell Seconded By: Thomas
Motion to Close

CARRIED

Introduced By: Ell Seconded By: Campbell
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code

DISCUSSION: None.
(VOTE: 5 - â AYESâ)
CARRIED

5. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 158, Plumbing Code of the City of Burlington Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance amends various sections of Chapter 158 Plumbing Code of the Burlington Municipal Code. He stated that the City would be moving from the 1997 Edition to the 2006 Edition.

He further stated that the proposed Ordinance would provide for cleanup and clarification of the Code. The Chief Code Inspector was available for questions. Council Member Scott stated his dislike for requiring the doubling of permit fees for not obtaining a plumbing permit. After considerable discussion by the City Council the motion for preliminary adoption of the first reading of the Ordinance was carried. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott Seconded By: Campbell

Motion to Close

CARRIED

Introduced By: Scott Seconded By: Campbell
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Various Sections of Chapter 158, Plumbing Code of the City of Burlington
Municipal Code

DISCUSSION: None.
(VOTE: 5 - â AYESâ)
CARRIED

6. Statement: Consideration of an Ordinance Amending Various Sections of
Chapter 159, Mechanical Code of the City of Burlington Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance amends various
sections of Chapter 159 Mechanical Code of the Burlington Municipal Code. He
stated that the City would be moving from the 2003 Edition to the 2006 Edition.
He further stated that the proposed Ordinance would provide for cleanup and
clarification of the Code. The Chief Code Inspector was available for
questions. Council Member Scott stated his dislike for requiring the doubling
of permit fees for not obtaining a mechanical permit. After considerable
discussion by the City Council the motion for preliminary adoption of the first
reading of the Ordinance was carried. All present had opportunity to speak and
nothing additional was filed in the office of the City Clerk.

Introduced By: Scott Seconded By: Campbell
Motion to Close

CARRIED

Introduced By: Scott Seconded By: Campbell
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Various Sections of Chapter 159, Mechanical Code of the City of Burlington
Municipal Code

DISCUSSION: None.
(VOTE: 5 - â AYESâ)
CARRIED

7. Statement: Consideration of an Ordinance Amending Various Sections of the
Zoning and Subdivision Regulations of Title 17, City of Burlington Development
Program of the City of Burlington Municipal Code

COMMENTS: The City Planner stated that the proposed Ordinance amends various
sections of the Zoning and Subdivision Regulations of Title 17, City of
Burlington Development Program of the Burlington Municipal Code. He stated that
the Planning Commission voted unanimously to recommend approval of the proposed
Ordinance. He stated that the Planning Commission did not want to see videos or
still images that could be offensive to children. He stated that he would be
sending out the new regulations to owners of electronic message boards. 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: Thomas
Motion for Preliminary Adoption of the First Reading of an Ordinance Ame
nding
Various Sections of the Zoning and Subdivision Regulations of Title 17, City of

Burlington Development Program of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Campbell Seconded By: Thomas

1. Resolution of the City of Burlington, Iowa Authorizing the City Council to Execute an Application for CEBA Financial Assistance to the Iowa Department of Economic Development in Connection with the Location of DaBecca Natural Foods, Inc.

DISCUSSION: The City Manager stated that the proposed Resolution authorizes the City Council to execute an application for CEBA financial assistance to the Iowa

Department of Economic Development in connection with the location of DaBecca Natural Foods, Inc. at the Flint Ridge Business Park. He stated that the Resolution also agrees to the use of the Burlington Area Development Fund as Local Government Assistance in the approximate amount of \$254,000.00. (City \$84,667.00; Des Moines County \$84,667.00 and Grow Greater Burlington \$84,667). He reviewed with the City Council and the viewing audience the overall economic impact to Burlington. Dennis Hinkle of Grow Greater Burlington reviewed the salaries of various positions for DaBecca Natural Foods, Inc. 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: Campbell Seconded By: Scott

2. Resolution of the City of Burlington, Iowa Authorizing the City Council to Execute an Application and Agreement for Targeted Jobs Withholding Tax Credit Program Financial Assistance to the Iowa Department of Economic Development in Connection with the Location of DaBecca Natural Foods, Inc.

DISCUSSION: The City Manager stated that the proposed Resolution authorizes the City Council to execute an application and agreement for Targeted Jobs Withholding Tax Credit Program Financial Assistance to the Iowa Department of Economic Development in connection with the location of DaBecca Natural Foods, Inc. He stated that the application requests \$445,000.00 for the location of DaBecca Natural Foods, Inc. 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: Campbell Seconded By: Scott

BEER, LIQUOR, WINE AND CIGARETTES

DISCUSSION: Council Member Campbell stated that he would abstain from voting on the approval of the Resolution Approving Beer, Liquor, Wine and Cigarettes due to being an hourly employee of Tom's Market and Meats. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ THOMAS, EDWARDS, ELL AND SCOTT

1 - â ABSTAINEDâ CAMPBELL)

ADOPTED

COMMENTS FROM AUDIENCE: None.

Adjournment: 8:45 p.m.

Approved: May 7, 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

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Demolition/Nuisance Abatements for Various Properties
2. Resolution Approving Outdoor Service Area for Liquor License for The Beat Tavern, Inc. dba/The Beat Tavern for May 18 and 19, 2007
3. Resolution Awarding Contract for the 2006 Parking Lot Improvements, 5th and Valley

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of Plans and Specifications for the 2007 Plane/Curran Streets Diamond Grinding Project (May 7, 2007)
2. Consideration of Plans and Specifications for the 2007 Burlington RecPlex Trail, Phase I (May 7, 2007)
3. Consideration of an Ordinance Vacating and Selling a Portion of the East-West 60-Foot Wide Winegard Drive Right-of-Way, Located West of Cottonwood Drive and East of the Frontage Road Along Roosevelt Avenue, City of Burlington, Des Moines County, Iowa (May 7, 2007)
4. Consideration of an Ordinance Amending Various Sections of Chapter 164, Fuel Gas Code of the City of Burlington Municipal Code (May 7, 2007)
5. Consideration of an Application for State Revolving Fund (SRF) Loan from the Iowa Department of Natural Resources for the Construction of Two Underground Sanitary Sewer Equalization Tanks (May 21, 2007)

APPOINTMENTS:

Animal Hearing Board: Vicki Atteberry, Mark Cameron, Deana Dailey,
Dr. Heath Hillyard and Marcia Martin