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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 33
May 7, 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 Ell, Scott and Thomas present. Council Member Campbell participated via electronic communications for part of the Council Meeting due to technical problems.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Child Care Provider Appreciation Day - Nicole Ireland and Jerry Parks
Retirement of Burlington Police Badge No. 201 - Acting Chief Luttenegger

Introduced By: Edwards Seconded By: Scott

MOTION: That Police Department Badge No. 201 last worn by Chief David A. Wunnenberg shall never be worn again by a Burlington Police Officer, as Badge No. 201 is retired from use but will be remembered forever.

DISCUSSION: None.

(VOTE: 4 - AYES ELL, SCOTT, THOMAS AND EDWARDS) CARRIED

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: Thomas

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 ELL, SCOTT, THOMAS AND EDWARDS) CARRIED

HEARINGS:

1. Statement: 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

COMMENTS: The City Manager stated that the proposed 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 was a part of the Fun City project. The City Planner reviewed the plans with the City Council. He stated that the deed for the vacated portion of Winegard Drive shall not be transferred to Huckleberry Entertainment, LLC until such time as required new infrastructure and utilities have been completed and

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

Council Member Campbell started participating via electronic communications, due

to technical difficulties he was not able to participate during the first part of the City Council meeting.

Introduced By: Scott Seconded By: Edwards

2. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Scott Seconded By: Thomas

3. Motion to Amend Section 155.02 Sections Repealed of Chapter 155, International Building Code of the Burlington Municipal Code

DISCUSSION: The City Manager stated that the proposed amendment provides that where work for a permit is required or proceeded by any person, business, or company who has obtained a prior permit or by the nature of their occupation knowingly commences any work on a building or structure prior to obtaining the permit, the fees specified in this section shall be doubled; with a maximum penalty fee of \$100.00 for each permit required. Payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed in this

chapter. Council Member Scott made a motion to amend Section 155.02 Sections Repealed of Chapter 155, International Building Code of the City of 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 Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Thomas Seconded By: Scott

5. Motion to Amend Section 156.02 Sections Repealed of Chapter 156, International Existing Building Code of the Burlington Municipal Code

DISCUSSION: The City Manager stated that the proposed amendment provides that where work for a permit is required or proceeded by any person, business, or company who has obtained a prior permit or by the nature of their occupation knowingly commences any work on a building or structure prior to obtaining the permit, the fees specified in this section shall be doubled; with a maximum penalty fee of \$100.00 for each permit required. Payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed in this

chapter. Council Member Thomas made a motion to amend Section 156.02 Sections Repealed of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code. Council Member Scott 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: Thomas Seconded By: Scott

6. Motion for Preliminary Adoption of the Second 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

Introduced By: Thomas Seconded By: Scott

7. Motion to Amend Section 158.07 Plumbing Permit Fees of Chapter 158, Plumbing Code of the City of Burlington Municipal Code

DISCUSSION: The City Manager stated that the proposed amendment provides that where work for a permit is required or proceeded by any person, business, or company who has obtained a prior permit or by the nature of their occupation knowingly commences any work on a building or structure prior to obtaining the permit, the fees specified in this section shall be doubled; with a maximum penalty fee of \$100.00 for each permit required. Payment of such double

fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed in

this chapter. Council Member Thomas made a motion to amend Section 158.07 Plumbing Permit Fees of Chapter 158, Plumbing Code of the City of Burlington Municipal Code. Council Member Scott 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: Thomas Seconded By: Edwards

8. Motion for Preliminary Adoption of the Second 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

Introduced By: Thomas Seconded By: Scott

9. Motion to Amend Section 159.03 Mechanical Permit Fees of Chapter 159, Mechanical Code of the Burlington Municipal Code

DISCUSSION: The City Manager stated that the proposed amendment provides that where work for a permit is required or proceeded by any person, business, or company who has obtained a prior permit or by the nature of their occupation knowingly commences any work on a building or structure prior to obtaining the permit, the fees specified in this section shall be doubled; with a maximum penalty fee of \$100.00 for each permit required. Payment of such double

fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed in

this chapter. Council Member Thomas made a motion to amend Section 159.03 Mechanical Permit Fees of Chapter 159, Mechanical Code of the City of Burlington

Municipal Code. Council Member Scott 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: Thomas Seconded By: Scott

10. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 159, Mechanical Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Thomas Seconded By: Edwards

11. Motion for Preliminary Adoption of the Second Reading 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

DISCUSSION: The City Manager stated that there were no changes to the 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 from the first reading. Dan Carlson of 214 South Gunnison Street stated that the types of signs listed in the proposed Ordinance were already antiquated. He

stated that most signs in the future will be full color with video. The City Planner explained that the City prohibits billboard type signs. Dan Carlson stated that he would drop off brochures of various signs prior to the next work session for the City Council to review. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

COMMENTS FROM AUDIENCE: None.

Adjournment: 7:45 p.m.

Approved: May 21, 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 Outdoor Service Area for Liquor License for the Paddlewheel Lounge, Inc. dba/Paddlewheel Lounge for Steamboat Days Kickoff Party

on May 18, 2007

2. Resolution Awarding Contract for the 2007 HMA Overlay Project

3. Resolution Approving Letter of Understanding with Huckleberry Entertainment LLC for Cost of Relocating Streets and Related Storm Sewer Utility

4. Resolution Approving Agreement with Burlington Area Convention and Visitors Bureau to Advance the Economic Welfare of the Burlington Area Through the Promotion of the Area as Both a Convention Site and a Visitor Attraction

5. Resolution Awarding Contract for Demolition and Removal of Phase I Structures

â Manor Revisited Projectâ

6. Resolution Approving Change Order No. 9 for the 2006 Memorial Auditorium Enhancement Project for Additional P.C.C. Pavement

SET DATE FOR PUBLIC HEARING: MAY 21, 2007

1. Consideration of Budget Amendment for Fiscal Year 2006-2007

2. Consideration of the Concept of the Private Sewer Lateral Repair Program Residential Only