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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 34
May 21, 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: Campbell 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. Ron Billups of Rolling Hills requested the removal of the Resolution Approving an Agreement with SRF Consulting Group for a Railroad Quiet Zone Study for the City of Burlington 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

HEARINGS:

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

COMMENTS: The Deputy City Manager reviewed with Council and the viewing audience the proposed budget amendment no. 2 for fiscal year 2006-2007. He stated that the total amendment was \$909,705.00 which included the following: \$153,000.00 for Public Safety; \$1,050.00 for Mental and Physical Health; \$202,500.00 for Public Works; \$153,000.00 for Culture and Recreation; \$160,155.00 for General Government and \$150,00.00 Business Type/Enterprise Function. He stated that the total amended budget for fiscal year 2006-2007 was \$46,984,032.00. He stated that the revenue side of the budget was being amended by \$541,000.00 bringing budgeted revenues to \$45,833,036.00. 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: Scott
Resolution Approving Budget Amendment for Fiscal Year 2006-2007

DISCUSSION: None.

2. Statement: 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

COMMENTS: The Public Works Director stated that the Public Hearing for the 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 was a required public hearing. The City Engineer reviewed with the City Council and the viewing audience the alternative

strategies investigated and costs associated with each: lift station upgrade, inflow and infiltration removal, above ground equalization tanks and underground

equalization tanks. He presented a diagram of the proposed Gunnison Street underground sanitary sewer equalization tank and the Lucas Street underground sanitary sewer equalization tank. He stated that a public hearing on the plans and specifications would be held at a later date. The Public Works Director stated that the following Federal, State and local agencies were provided information about, and were asked to comment on the project in order to assess the potential impact to the environment: U.S. Army Corps. of Engineers; State Historical Society of Iowa; Iowa DNR Conservation and Recreation Division; Iowa DNR Water Resources Bureau; U.S. Fish and Wildlife Bureau; Burlington Historical

Commission and 32 various native American tribes in five states with an interest

in our area. He explained the concerns of the following agencies and how those concerns would be addressed: Iowa DNR Water Resources Bureau, the U.S. Fish and

Wildlife Service and the U.S. Army Corps of Engineers. He further reviewed the neutral or no impact findings gleaned from the comments received from various reviewing parties. He further stated that the project will reduce the frequency

of local sanitary sewer overflows during wet weather which have a negative effect on aquatic ecology by increasing turbidity, decreasing dissolved oxygen and introducing bacteria, viruses and parasites into the nationâ s waterways.

Mayor Edwards questioned the cost for the wetland study. The Public Works Director stated that the cost of the wetland study would be less than \$10,000.00. The Deputy City Manager stated that the SRF loan would be repaid by

a 5% sewer revenue rate increase. Council Member Thomas questioned when the sewer increase would be effective. The Deputy City Manager stated that the sewer increase would be effective on the July 1, 2007 water bills. Council Member Scott questioned the total cost of the Hawkeye Sewer Separation project.

The Deputy City Manager stated that the total cost was approximately \$14,000,000.00 and the SRF loan amount requested for the project was \$2,485,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Ell
Motion to Close

Seconded By: Scott

CARRIED

3. Statement: Consideration of the Concept of the Private Sewer Lateral Repair Program Residential Only

COMMENTS: The City Manager stated that the concept hearing for the Private Sewer Lateral Repair Program was first proposed by Council Member Scott to assist homeowners. He stated that should the City Council decide to implement the

about a law change that took place in 2005 that requires the whistles be blown prior to every uncontrolled railroad crossing. All who spoke urged the City Council to approve the study. Council Member Thomas stated that some communities

were looking at a special assessment district to fund quiet zones. Council Member Campbell stated that it was hard to talk with customers outside of Tomâ s Market and Meats. He stated that he lives near Perkins Park and he can still hear the train whistle. Council Member Scott stated that SRF Consulting Group were required by the agreement to meet with Downtown Partners, Inc. and also with the City Council. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

ORDINANCES:

Introduced By: Scott

Seconded By: Thomas

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading 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

DISCUSSION: The City Manager stated that there were no changes to the 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 from the first reading. Council Member Scott made a motion to waive the second reading and to final adopt the 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. 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 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

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 Various Sections of Chapter 164, Fuel Gas Code of the City

of Burlington Municipal Code

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

Amending Various Sections of Chapter 164, Fuel Gas Code of the City of

Burlington Municipal Code from the first reading. Council Member Scott made a motion to waive the second reading and to final adopt the Ordinance Amending Various Sections of Chapter 164, Fuel Gas Code of the City of Burlington Municipal Code. Council Member Campbell 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: Campbell

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Various Sections of Chapter 164, Fuel Gas Code of the City of Burlington Municipal Code County, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Scott

Seconded By: Edwards

5. Motion for Final Adoption of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes from the second reading of the Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code . 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: Thomas

6. Motion for Final Adoption of an Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes from the second reading of the Ordinance Amending Various Sections of Chapter 155, International

Building Code of the City of Burlington Municipal Code. 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

7. Motion for Final Adoption of an Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes from the second reading of the Ordinance Amending Various Sections of Chapter 156, International

Existing Building Code of the City of Burlington Municipal Code. 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

8. Motion for Final Adoption of an Ordinance Amending Various Sections of Chapter 158, Plumbing Code of the City of Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes from the second reading of the Ordinance Amending Various Sections of Chapter 158, Plumbing Code

of the City of Burlington Municipal Code. 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

9. Motion for Final Adoption of an Ordinance Amending Various Sections of Chapter 159, Mechanical Code of the City of Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes from the second reading of the Ordinance Amending Various Sections of Chapter 159, Mechanical Code of the City of Burlington Municipal Code. 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

10. 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 City of Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes from the second reading of 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. 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 AND THOMAS

1 - â NAYâ CAMPBELL)

CARRIED

COMMENTS FROM AUDIENCE: None.

Adjournment: 8:08 p.m.

Approved: June 4, 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 Temporary Transfer of Liquor License for Klein and Kompany, Inc. dba/Farneyâ s on Jefferson for Bike Criterium Event

2. Resolution Approving an Agreement with the Iowa Department of Transportation to Provide for Safe Routes to School (SRTS) Funds

3. Resolution Awarding Contract for Asbestos Removal and Abatement Services, Phase II, for the â Manor Revisited Projectâ

4. Resolution Awarding Contract for Demolition and Removal of Phase II Structures â Manor Revisited Projectâ

5. Resolution Approving Purchase of Golf Cars for Flint Hills Municipal Golf Course

SET DATE FOR PUBLIC HEARING: JUNE 4, 2007

1. Consideration of Sale of 307 North Central Avenue, City of Burlington, Des Moines County, Iowa, with Conditions