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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 39
August 6, 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 Ell, Council Members Campbell, Scott and Thomas present. Council Member Murray was absent with a family commitment.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Hope Haven Family Fun Fest Day - Jim Carter
Health Center Week - Ronald Kemp

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 Ell reviewed the items listed on the consent agenda to the viewing audience. Council Member Thomas 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.

(VOTES: 4 - AYES)

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Amending the Zoning and Subdivision Regulations of Title 17, City of Burlington Development Program of the Burlington Municipal Code by Adding Chapter 17.34 Architectural Design Guidelines

COMMENTS: The Development Director reviewed the proposed Ordinance Amending the Zoning and Subdivision Regulations of Title 17, City of Burlington Development Program of the Burlington Municipal Code by Adding Chapter 17.34 Architectural Design Guidelines with the City Council and the viewing audience. He explained that a minimum base line architectural design guideline was needed. Mayor Ell stated that he understood the goal of an attractive community, but felt the guidelines would discriminate those less wealthy. He stated that he would be voting against the Ordinance as proposed. Mary Baker of 320 South 6th Street stated that she was recently visiting several cities in Missouri and she saw many buildings that had nice architecture. Tom Kuntz of 1115 Angular Street stated that he was against the proposed Ordinance and agreed with the comments made by Mayor Ell. Council Member Scott stated that he had several concerns with the verbiage of the Ordinance. He stated that the City Council needed to discuss it further at their next work session and possibly amend the Ordinance at the second reading. 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
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending the Zoning and Subdivision Regulations of Title 17, City of Burlington Development Program of the Burlington Municipal Code by Adding Chapter 17.34 Architectural Design Guidelines

DISCUSSION: None.

(VOTE: 3 - AYES SCOTT, THOMAS AND CAMPBELL
1- NAYS ELL)

CARRIED

2. Statement: Consideration of an Ordinance Amending Chapter 105 Solid Waste Control of the Burlington Municipal Code

COMMENTS: The City Manager stated that the City was asked by the Solid Waste Commission to adopt an Ordinance that designates the facilities operated by the Des Moines County Regional Solid Waste Commission as the designated official public sanitary disposal project for the disposal of solid waste produced or originating within the City. The WWTF Superintendent reviewed for the City Council and the viewing audience the history of the solid waste leading up to the creation of the Des Moines County Regional Solid Waste Commission and how the proposed changes to sections of the current Ordinance compliments State law,

but goes farther in that it would restrict haulers from taking their trash to out of state facilities and requires commercial haulers to obtain a permit from the Solid Waste Commission. He further reviewed the sanitary disposal project designated and the solid waste collection permit process. Chuck Leaming of 1003

Franklin Street stated that the City ought to encourage haulers to take their waste to other landfills so that the Des Moines County Landfill does not fill up

too quickly. Mike Andrews of 2617 Sunrise Lane stated that he was only discussing the issue as it was a matter of principle to him. He asked whether the City Council had refused to enforce its own Ordinance. He asked whether the

Solid Waste Commission had asked the City Council to enforce its own Ordinance.

He stated that the current Ordinance indicates that Des Moines County Landfill is the approved disposal site for trash collected in Burlington as approved by the Director of the Department of Natural Resources. He further stated that the

City should have used the \$500.00 fine to put a stop to the alleged illegal activity. Mayor Ell stated that the City decided to pursue the matter through the Solid Waste Commission, of which the City is a member, and he did not believe the City attempted to fine anyone under the current Ordinance. The City

Manager did not believe that language in the City's current Ordinance would support that action, but believed that the proposed language would. He further stated that he did not feel comfortable speaking any further on the issue due to

on-going litigation. Mike Andrews stated concern for the person that hauls only

on the weekends would be required to get a permit. He stated that small business haulers could only appeal to the Des Moines County Regional Solid Waste

Commission who issues the permit. He felt that the Ordinance goes far beyond

State Code. He further stated that the proposed Ordinance does not compliment the existing Code but was a complete replacement. Hal Morton, Executive Director for the Des Moines County Regional Solid Waste Commission, was present and answered questions of the audience. He stated that he answers to the Des Moines County Regional Solid Waste Commission and he does not take his job lightly. He stated that appeals cost the Commission monies. He stated that he always tries to talk with the hauler when there is a problem. He explained that

revocation of a permit was the last resort. Council Member Scott stated that he did not like the permit approval process. He felt that the Ordinance takes control out of Burlington's hands and puts the process in the hands of the Des

Moines County Regional Solid Waste Commission. He felt that the present system that was in place was working. He stated that when a breakdown of the system takes place, it needs to be addressed at that time. He further questioned why the City was amending the proposed Ordinance. The City Manager stated that the City was being asked by the Des Moines County Regional Solid Waste Commission (which the City is a member of), to adopt the Ordinance which provides for flow control and pricing. He further stated that the Des Moines County Regional Solid Waste Commission was in the process of levying bonds for construction of capital improvements. The proposed Ordinance would ensure flow of funds for the

levy of those bonds and without flow control it could cost all users more money.

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

Introduced By: Scott
Motion to Close

Seconded By: Thomas

CARRIED

Introduced By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Chapter 105 Solid Waste Control of the Burlington Municipal Code

Seconded By: Thomas

DISCUSSION: None.

(VOTE: 1 - AYES
3 - NAYS
FAILED

RESOLUTIONS:

Introduced By: Campbell

Seconded By: Thomas

1. Resolution Approving Final Plat of Luke's Subdivision

DISCUSSION: The Development Director stated that the proposed Resolution approves the final plat of Luke's Subdivision. He stated that Luke's Subdivision was located at the southwest corner of Summer Street and Hedge Avenue. He stated that currently it was a 1-lot subdivision. Mary Baker of 320

South 6th Street questioned how many lots the final plat would consist of. The Development Director stated that it was presently a 1-lot subdivision and would be subdivided into a 2-lot subdivision. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Campbell Seconded By: Thomas

2. Resolution Approving Preliminary Plat of Great River Subdivision

DISCUSSION: The City Manager stated that the proposed Resolution approves the preliminary plat of Great River Subdivision. He stated that the casino was a part of the Great River Subdivision. He stated that the subdivision has been approximately seven years in the making. The Development Director reviewed the preliminary plat to the City Council and the viewing audience. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Campbell Seconded By: Thomas

3. Resolution Approving the Changing of the Name of the Existing Winegard Drive to Cottonwood Court

DISCUSSION: The City Manager stated that a large portion of the existing Winegard Drive has been vacated and the remaining portion is proposed to be renamed Cottonwood Court. The Development Director reviewed the plat showing the portion that will be renamed Cottonwood Court. He stated that no addresses would need to be changed. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Campbell Seconded By: Thomas

4. Resolution Naming the City's Portion of the Jointly Proposed City/County Vision Iowa Recreation Trail to the Flint River Recreation Trail

DISCUSSION: The Development Director stated that the City was tying into the County's portion of the Vision Iowa Recreation Trail. He stated that the Des Moines County Supervisors have officially named the County portion of the trail the Flint River Recreation Trail. He stated that naming both the City and the County portion of the trail the Flint River Recreation Trail will ensure consistency in development of the entire trail. Council Member Ell stated that it made sense to have one name for the trail. Council Member Scott and Thomas were in agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

COMMENTS FROM AUDIENCE: None.

Adjournment: 8:31 p.m.

Approved: August 20, 2007

Kathleen P. Salisbury, MMC
City Clerk

William L. Ell
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 Authorizing the Filing of an Application for the Resource Enhancement and Protection (REAP) Grant Program for Acquisition and Construction Costs for the City of Burlington's Portion of the Flint River Recreation Trail
3. Resolution Approving Purchase of a Truck for the Parks Department
4. Resolution Approving Purchase of a John Deere X740 Lawn Tractor and Attachments for the Wastewater Treatment Facility
5. Resolution Approving Final Acceptance and Final Payment for Asbestos Abatement Phase I - Manor Revisited Project
6. Resolution Approving Final Acceptance and Final Payment for Asbestos Abatement Phase IV - Manor Revisited Project
7. Resolution Approving Final Payment for the Manor Revisited Project Asbestos Inspection, Phases I-IV
8. Resolution Awarding Contract for the Memorial Auditorium House Lights, Spotlights and Dimmer Board System

SET DATE FOR PUBLIC HEARINGS: AUGUST 20, 2007

1. Consideration of Plans and Specifications for the 2007 Hawkeye Sewer Phase IV, Equalization Tanks
2. Consideration of an Ordinance Vacating Approximately 62-Foot Wide, 119-Foot Long Portion of 9th Street Right-of-Way Located Adjacent to and South of Spring Street
3. Consideration of \$5,150,000 General Obligation Essential Corporate Purpose Bonds
4. Consideration of \$200,000 General Obligation General Corporate Purpose Bonds

APPOINTMENTS:

Enterprise Zone Commission: Tim Scott