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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 40
August 20, 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 Murray, Scott and Thomas present. Council Member Campbell was absent with a family commitment.

BURLINGTON CITY COUNCIL

RECOGNITION OF RETIREMENT:

Larry Gantz, Administrative Assistant to Public Works Director/Transit Manager

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 Not to Exceed \$5,150,000.00 General Obligation Corporate Purpose Loan Agreement

COMMENTS: The Deputy City Manager reviewed with the City Council and the viewing

audience the \$5,150,000.00 General Obligation Corporate Purpose Loan Agreement.

He stated that the issuance of the General Obligation Corporate Purpose Loan Agreement would have taken place during the spring of 2008, but it has been moved forward because of the inclusion of two projects totaling \$2,000,000.00, which will be repaid by outside sources. He explained that \$1,000,000.00 taxable portion of the sale would be repaid by Catfish Bend Casino to finance the public streets adjacent to the casino development. The second \$1,000,000.00

would be for public street improvements in and adjacent to the Manor Revisited Project to be repaid through special assessments. The balance of the issue would be \$1,939,000.00 which would be street work programmed in the CIP over the

next two years; \$742,000.00 for a downtown street light replacement program; \$100,000.00 for new squad car cameras for the Police Department; \$80,000.00 for Streets Department equipment; and the balance of the cost of issuance and capitalized interest. He also reviewed the current outstanding General Obligation debt and the projected outstanding General Obligation Debt. Leon

Shahan of 1821 Mt. Pleasant Street stated that the General Obligation Debt was much higher today than in 1993-1994. He felt that the City's debt should get less every year. John Fenton of 1332 Griswold Street questioned who would be paying off the debt for the proposed shopping center. The City Manager reiterated that Catfish Bend Casino would be paying for their portion of the debt and Robert Muir Company would be paying for their portion of the debt. The

City Clerk stated that Council Member Campbell had submitted by e-mail his concern with the use of "turned aluminum poles" in place of the current poles in the downtown. 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

2. Statement: Consideration of Not to Exceed \$200,000.00 General Obligation Trail System Loan Agreement

COMMENTS: The Deputy City Manager stated that the second hearing was for the \$200,000.00 General Obligation Trail System Loan Agreement. He stated that the \$200,000.00 was the City's local share for the grant of the new trail. 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: Ell
Resolution Taking Additional Action to Enter into Loan Agreements

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street questioned what it meant to take additional action to enter into loan agreements. The City Manager stated that the Resolution allows the City to enter into loan agreements for the upcoming sale of the \$5,150,000.00 General Obligation Corporate Purpose Loan Agreement and the \$200,000.00 General Obligation Trail System Loan Agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

3. Statement: Consideration of an Ordinance Vacating and Selling Approximately 62-Foot Wide, 119-Foot Long Portion of 9th Street Right-of-Way Located Adjacent to and South of Spring Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Development Director stated that the City received a request from the Burlington Community School District for the vacation and sale of approximately 62-foot wide, 119-foot long portion of 9th Street right-of-way located adjacent to and south of Spring Street. He reviewed with the City Council and the viewing audience the new street that will connect to 8th Street due to the vacation and the construction of a new North Hill Elementary School. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Murray Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Murray Seconded By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling Approximately 62-Foot Wide, 119-Foot Long Portion of 9th Street Right-of-Way Located Adjacent to and South of Spring Street, City of Burlington,

Des Moines County, Iowa (1st Reading)

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

4. Statement: Consideration of Plans and Specifications for the 2007 Hawkeye Sewer Phase IV, Equalization Tanks

COMMENTS: The City Engineer reviewed with the City Council and the viewing audience the proposed plans and specifications for the 2007 Hawkeye Sewer Phase IV, Equalization Tanks. He explained the history of the Hawkeye Sewer Separation Project. He stated that plans were to construct two equalization tanks with one located at the Gunnison Detention Pond and the other tank located

at Locust Street. He stated that the tanks would be located underground due to DNR regulations. He stated that \$2,485,000.00 was budgeted for the project and \$2,300,000.00 was the estimated construction cost. He stated that the tanks were designed for a five year one-hour rain storm. Shawn Gerhardt of 1000 Spring Street questioned if all storm and sanitary sewer systems in Burlington were now separated. The City Engineer stated that the only sewers that were separated were the Hawkeye Sewer, Silver Street and the North Industrial Bottoms. He further stated that 2/3 of Burlington was separated and 1/3 of Burlington was not separated. Leon Shahan of 1821 Mt. Pleasant Street questioned how much storm water was alleviated at the WWTF. The City Engineer stated that very little storm water was treated at the WWTF, but prior to the Hawkeye Sewer Storm Water Separation Project the water was higher than the top of the CSO (combined sewer overflow) dam on a daily basis. John Fenton of 1332 Griswold Street questioned the total cost of Hawkeye Sewer Separation Project. The City Engineer stated that the total project was \$15,000,000.00. 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
Resolution Approving Plans and Specifications for the 2007 Hawkeye Sewer Phase IV, Equalization Tanks

Seconded By: Thomas

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

ADOPTED

ORDINANCE:

Introduced By: Scott

Seconded By: Ell

1. To Amend Section 17.34.103 Definitions, Section 17.34.106 Regulations (1) General, (2) Residential, (3) Commercial, (4) Industrial and Section 17.34.107 Design Components of the 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: The Development Director stated that he had supplied the City Council with two amendments to 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. He stated that amendment no. 1 was a quick fix and amendment no. 2 had many more changes and was more specific. He stated that staff recommends amendment no. 2. He reviewed the proposed amendment no. 2 with the City Council

and the viewing audience. Council Member Scott stated that amendment no. 2 met his concerns and was workable. Mayor Ell commended staff for their work on the proposed amendment. He felt that the proposed amendment eliminated a lot of the

subjective words that had previously concerned him. Council Member Thomas also commended staff for their work on the amendment. John Fenton of 1332 Griswold Street stated that many of the new Morton buildings were very attractive. The City Manager stated that metal buildings would be allowed in some industrial zoning areas. Mayor Ell stated that metal pole type buildings would not be allowed in a residential area. Leon Shahan of 1821 Mt. Pleasant Street questioned if aluminum siding would be allowed in a residential area. Mayor Ell

stated that no vertical siding would be permitted. Todd Oetken of 413 Maple Street that he felt the Ordinance was taking away his freedom of choice for whether he would construct a home with vertical or horizontal siding. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Scott

Seconded By: Thomas

2. Motion for Preliminary Adoption of the Second 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: 4 - â AYESâ)

CARRIED

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street suggested to the City Council to keep the Main Street and Jefferson Street crossing and the Lucas

Street crossing and close the other crossings due to the low number of vehicles that cross the other crossings. He stated that Burlington Northern Railroad would pay the City monies for the closing of those crossings and that money could be used to create quiet zones for the remaining crossings. Mayor Ell stated that the City Council would be looking at the railroad quiet zone study that should be completed this fall. John Fenton of 1332 Griswold Street questioned if the City Council was involved in the sale of alcohol at the Fun City water park. Mayor Ell stated that the City Council approved a liquor license for Fun City water park as the owner applied for a liquor license. Todd

Oetken of 413 Maple Street stated that he has wild cats and dogs at his residence. He stated that the Humane Officer only works until 4:00 p.m. and he often needs the Humane Officer after 4:00 p.m. He urged the City Council to hire an additional Humane Officer. He also stated that the City Council should

approve an Ordinance that would require all City employees convicted of drunken driving to lose their jobs. Council Member Scott questioned if all sex offenders should also be removed from their City positions. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:33 p.m.

Approved: September 4, 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 Final Acceptance and Final Payment for Demolition Phase III â Manor Revisited Projectâ
2. Resolution Approving Final Acceptance and Final Payment for Asbestos Abatement Phase III â Manor Revisited Projectâ
3. Resolution Approving Revised Procedural Rules for Election by the City Council for Mayor and Mayor Pro-Tem
4. Resolution Awarding Memorial Auditorium Stage Drapery
5. Resolution Approving Outdoor Service Area for Liquor License for Huckleberry Entertainment, LLC dba/Great River Conference and Events Center for Events on August 31, 2007 and September 1, 2007

SET DATE FOR PUBLIC HEARINGS: SEPTEMBER 17, 2007

1. 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 Summer Street and Hedge Avenue from C-1 (Limited Commercial) to R-2 (Single-family Residential Non-Traditional) Zoning District
2. Consideration of an Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Properties Located at 1001 Maple Street and 400 Summer Street from R-4 (Multi-Family Residential) to C-1 (Limited Commercial) Zoning District

APPOINTMENTS:

Construction Board of Appeals: John Harris and Doris Mosley Johnson