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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 45
November 5, 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, Murray, 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: Murray 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 Scott requested the removal of the Payroll and

City Claims and the Resolution Approving Change Order No. One for the 2007 Plane/Curran Diamond Grinding Project from the Consent Agenda for discussion at the close of the meeting. 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.

(VOTE: 5 - AYES) CARRIED

PRESENTATIONS:

1. Railroad Quiet Zone Study

DISCUSSION: The City Manager stated that the City hired SRF Consulting Group, Incorporated to do a Railroad Quiet Zone Study. Andrew Mielke of SRF Consulting

Group, Inc. presented the following to the Council and the viewing audience: overview; study background; crossing overviews; quiet zone definition; safety options; crossing a closure example; diagnostic meeting; quiet zone minimum requirements; base quiet zone risk level (risk indexes with horns); crossing options and alternatives; quiet zone crossing improvement options and implementation impacts. Leon Shahan of 1821 Mt. Pleasant Street urged Council to

look at closing most of the railroad crossings. Keith Jacobs of 1412 Pine Street stated that making the crossings a quiet zone was costly and that Downtown Partners, Inc. should be a partner with the City in the cost. He stated that the downtown buildings were dilapidated that most people do not shop

downtown as there was not a good selection of merchandise. Debbie Bessine of 706 Columbia stated that it was a quality of life issue as she is unable to sleep at night due to the noise. Kurt Bangert stated that the noise was creating an economic impact in renting office space in the downtown area. He also stated that it was a quality of life issue and that the problem was

City-wide. He further took exception to comments about the downtown. He stated that the historic buildings of downtown make Burlington a unique community. Chuck Siekman of 914 North 3rd Street stated that he was also awakened at night by the noise and he owns a business within 100 ft. of the railroad crossing. He stated that the railroad and the government should be forced to pay for the quiet zone. Ron Billups of 10668 Rolling Hills Road stated that he took offense to comments made about the downtown. He stated that he had presented 17 letters indicating the impact on the present and future economic development of the downtown. He further stated that the heart of the community was the downtown and that upper story development of the downtown buildings would pay off in increased property taxes. Val Gianettino of Downtown Partners, Inc. stated that she was highly offended by the comments made about downtown. After discussion by the City Council, Mayor Ell announced that the public should e-mail any questions or comments that they may have about the quiet zone to the Council. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

2. Huck's Harbor Water Park Finance Report

DISCUSSION: The Deputy City Manager reviewed Huck's Harbor Water Park financial reports for the last seven quarters. He explained the first year of operation had a lot of start-up costs, which resulted in a loss. He stated that the City received a check in the amount of \$18,000.00 in profit. He stated that the downside for staying one more year in the water park business with Huck's Harbor was \$80,000.00 to \$90,000.00 of interest payments. Rob Higgins, Manager for Huck's Harbor Water Park, stated that the City has also received an increase in monies from the hotel/motel tax due in part from Fun City. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

RESOLUTIONS:

Introduced By: Campbell Seconded By: Scott

1. Resolution Approving a Loan Agreement and Providing for the Issuance of \$3,350,000.00 General Obligation Corporate Purpose Bonds, Series 2007 and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that the proposed Resolution provides for the approval of the loan agreement and for the issuance of \$3,350,000.00 General Obligation Corporate Purpose Bonds, Series 2007 and providing for the levy of taxes to pay the same was the next step in the process of the issuance of the bonds. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Murray Seconded By: Thomas

2. Resolution Approving the DNR Consent Order for Sanitary/Storm Sewer Separation Continued from the October 15, 2007 City Council Meeting

DISCUSSION: The City Manager stated that the proposed Resolution approves the

DNR Consent Order for Sanitary/Storm Sewer Separation and allows the City to award contract for the construction of the 2007 Hawkeye Sewer Separation Project, Phase IV (Equalization Tanks) by June 1, 2008 and that the project will

be completed by June 1, 2009. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES MURRAY, THOMAS, CAMPBELL, ELL
1 - NAY SCOTT)

ADOPTED

HEARING:

1. Statement: Consideration of an Ordinance Amending the Future Land Use Map and Rezone Designated Property Along North 8th Street, Between Oak Street and Sycamore Street from R-3 (Two-Family Residential) to C-1 (Limited Commercial Zoning District)

COMMENTS: The Planning Director stated that the proposed Ordinance rezones two existing businesses, Fenton Pawn & Sales and the present North Hill Tap to C-1 (Limited Commercial Zoning District), which complies with the City's comprehensive plan. He stated that these two businesses have been in existence for the past 50 years, but their zoning classification was not correct. He stated that four conditions were made a part of the Ordinance due to concerns brought up at the Plan Commission. John Gayewski of 4186 Summer Street stated that he has purchased the former North Hill Tap and plans to make it a restaurant with a bar with lounge area and banquet facility. He stated that Dick Keith was designing the concrete parking lot layout. He stated that there would be approximately 43 parking spaces. Jim Russell of 1327 North 7th Street stated that there was a light in the back of the building that shines into the window of his home. He further asked if there would be a beer garden. John Gayewski stated that the present lights would be redesigned and it would consist

of soft delicate lighting. He stated that the establishment would be smoke free and that the beer garden would be more of an outside smoking area. Council Member Thomas wished John Gayewski success in his family-style restaurant. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott Seconded By: Ell
Motion to Close

(VOTE: 5 - AYES)

CARRIED

Introduced By: Ell Seconded By: Thomas
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending the Future Land Use Map and Rezone Designated Property Along North 8th Street, Between Oak Street and Sycamore Street from R-3 (Two-Family Residential) to C-1 (Limited Commercial Zoning District)

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

FINANCES AND MISCELLANEOUS:

Introduced By: Scott Seconded By: Murray

1. Payroll and City Claims

DISCUSSION: Council Member Scott stated that he requested the removal of the payroll and city claims as he noticed that a check was made payable to the

Southeast Iowa Regional Planning Commission and the amounts listed looked like they could be golf fees. He questioned the City Manager and Council Member Thomas if the City had been reimbursed for the golf fees. The City Manager and Council Member Thomas stated that the golf fees were reimbursed to the City. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTION:

Introduced By: Scott

Seconded By: Ell

1. Resolution Approving Change Order No. One for the 2007 Plane/Curran Diamond Grinding Project

DISCUSSION: Council Member Scott stated that he had requested the removal of the

Resolution Approving Change Order No. One for the 2007 Plane/Curran Diamond Grinding Project as he had recently driven past Plane Street/Curran Street and he did not feel spending the extra \$76,920.80 was necessary as the street was smooth and he did not notice any difference in elevation. He felt delaying three blocks of streets for one year in order to pay for the diamond grinding was not necessary. The Public Works Director explained that if the City Council

chooses not to spend the monies on the diamond grinding that the street would not be hurt structurally. He stated that he recommended the diamond grinding project as Plane/Curran was a busy arterial street and was used by many motorists. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - â AYESâ MURRAY, THOMAS, ELL

2 - â NAYSâ SCOTT AND CAMPBELL)

ADOPTED

COMMENTS FROM AUDIENCE: None.

Adjournment: 9:16 p.m.

Approved: November 19, 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

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Designation of Applicantâ s Authorized Representative f or Purpose of Obtaining Financial Assistance Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act

2. Resolution Approving Extension of Forgivable Loan Agreement Between the City of Burlington, Burlington Area Development Corporation n/k/a Grow Greater

Burlington, Inc., Des Moines County and I P Real Estate, Inc. (Alfagomma America, Inc.) Dated December 20, 2002

3. Resolution Urging Congress to Provide for the Permanent Exemption of the Steamer Delta Queen from the Provisions of the Safety of Life at Sea Act of 1966

SET DATE FOR PUBLIC HEARING: NOVEMBER 19, 2007

1. Consideration of a Permanent Encroachment Agreement Between the City of Burlington and Cathleen Gordon at 316 North 4th Street for a Handicap Ramp, Stairs and Railing as Well as Awnings, Exhaust and Fresh Air Intakes On and Above City Right-of-Way

APPOINTMENTS:

Human Rights Commission - Tanya Moore

Flint Hills Golf Course Advisory Committee - Jon Billups

Waterworks Board of Trustees - Jack Wehrle