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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 46
November 19, 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, Davidson, Scott and Thomas present.

BURLINGTON CITY COUNCIL

SWEARING IN OF NEW COUNCIL MEMBER - JIM DAVIDSON (BY CITY CLERK)

Council Member Jim Davidson was sworn in as Council Member by the City Clerk.

PROCLAMATION: The CUB Clean-Up Burlington Program - Joe Stewart

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: Scott

Seconded By: Thomas

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Council Member Thomas stated that he was happy to announce that the purchase of the police patrol squad cars on the consent agenda use E-85 fuel. He stated that the City needs to become independent of foreign oil. He stated that he serves on a Renewable Energy Committee which encourages the purchase and

use of E-85 fuel. He thanked the Chief of Police for purchasing a vehicle that uses E-85 fuel. 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: 5 - AYES)

CARRIED

HEARING:

1. Statement: 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

COMMENTS: The Development Director stated that the proposed encroachment agreement was with LaTavola Italian Restaurant & Pizza, formerly River Basin Publications, located at 316 North 4th Street and would provide for a handicap ramp, stairs, railing, awnings, exhaust and fresh air intakes. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Campbell

Motion to Close

CARRIED

Introduced By: Scott

Seconded By: Campbell

Resolution Approving 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

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

ORDINANCE:

Introduced By: Thomas Seconded By: Scott

1. Motion for Preliminary Adoption of the Second 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: The City Manager stated that there were no changes from the first reading of the 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). Council Member Scott suggested that staff give a presentation of the Ordinance due to the number of people in attendance at the second reading of the Ordinance. The Development Director gave a brief overview of the proposed rezoning, the conditions and reviewed the sound levels by receiving land-use. Council Member Davidson asked how the Plan Commission voted and if the conditions were a recommendation of the Plan Commission. The Planning Director stated that the Plan Commission voted 4 to 1 in favor the rezoning but with conditions. Mark Quagliano of 1411 North 7th Street stated that the idea of a restaurant/bar was a great idea, but that he did not like the location. He felt that the residential neighborhood was a bad place for a restaurant. He read a letter from Mrs. John Hayes who is opposed to bars/restaurants in a residential neighborhood. Her letter cited problems that she has had with Whitey's Bar and

Billiards being located near where she lives. Adam Aney of 1320 North 7th Street stated that it would be nice to have a restaurant so close to his home. He stated that the owners of the restaurant/bar could control who comes to their

establishment. Scott Blow of 1414 North 8th Street also stated that he liked the idea of a restaurant so close to his home. John Gayewski, petitioner, stated that he plans on having shoebox lighting that will not affect neighbors and plans on having a green space that will be attractive. He presented the City Council with 50 signatures of neighbors in the area that were in favor of this plans. He stated that he has hired an experienced manager and plans are for the restaurant/bar not to cater to the young crowd. Karen Sayre stated that

she will be the manager of the restaurant/bar and that she has 30 years of experience in the restaurant business. She stated that they will cater more to families. Mark Quagliano questioned if the names listed on the petition were actual property owners in the neighborhood. Mary Baker stated that she was neither for or against the rezoning, but was concerned that the new owner did not realize what he was purchasing. Council Member Scott stated his concern about using a brick alley. He stated that he would be speaking about that issue

at the next work session. After considerable discussion by the City Council they voted in favor of the second reading of the Ordinance. Mayor Ell reminded the audience that there would be one more reading of the Ordinance on December

3, 2007. 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: Campbell Seconded By: Thomas

1. Resolution Approving Final Plat of Chenoweth Subdivision

DISCUSSION: The Development Director reviewed with the City Council and the viewing audience the final plat of Chenoweth Subdivision. He stated that Chenoweth Subdivision was a one-lot subdivision located on Division Street, west

of Plane and east of Sunrise Drive. Council Member Davidson asked if the back half of the lot was landlocked. The Development Director stated that the lot has an existing house and that it was landlocked from the back of the property without an easement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

INSERT CITY CLAIMS, PAYROLL, DISBURSEMENT OF FUNDS & RECEIPT OF FUNDS

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street urged Council not to spend tax payers monies on creating a railroad quiet zone. He stated that the railroad noise has always been here. He further stated that Burlington

was a railroad town and that people need to just deal with it. Council Member Scott stated that due to Federal regulations a train has to blow its whistles longer and that the noise decibel of the whistle is much higher than it use to be. He stated that the noise from the trains was causing economic development issues for the downtown as many developers are not wanting to invest monies in the downtown once they hear the noise of the railroad whistle. Council Member Davidson stated that he lives by James Madison School and that he is often awoken by the train, so it was not just a downtown problem. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:15 p.m.

Approved: December 3, 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 Maintenance and Operation of the Sanitary Sewer, Storm Sewer and Pavement Systems in Lot 5, Flint Ridge Business Park and Authorizing Payment

2. Resolution Approving Purchase of Patrol Squad Cars for the Burlington Police Department

SET DATE FOR PUBLIC HEARING: December 3, 2007

1. Consideration of an Ordinance Repealing Section 65.33 Dangerous Wild Animals of Chapter 65 Animal Protection and Control of the Burlington Municipal Code

APPOINTMENTS:

Board of Housing Standards and Appeals - Norm Pilgrim