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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 47
December 3, 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

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: Campbell

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. Leon Shahan of 1821 Mt. Pleasant Street

requested the removal of the Resolution Approving Form of Promissory Note and Subrecipient (Borrower) Loan Agreement with CNH America LLC 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.

(VOTES: 5 - AYES)

CARRIED

HEARING:

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

COMMENTS: The City Manager stated that the Code of Iowa has been amended by adding a new chapter regulating the ownership and possession of dangerous wild animals and making the Department of Agriculture and Land Stewardship as the principal agency charged with enforcing the regulations. He stated that the City's codifier has recommended that the City repeal the dangerous wild animal

section of the Burlington Municipal Code. The Chief of Police stated that the removal of the dangerous wild animals from the Municipal Code does not affect the Vicious Animal Ordinance. 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

Motion for Preliminary Adoption of the First Reading of an Ordinance Repealing Section 65.33 Dangerous Wild Animals of Chapter 65 Animal Protection and Control

of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

ORDINANCE:

Introduced By: Scott Seconded By: Ell

1. Motion for Final Adoption 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 to the proposed 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) from the second reading. Mark Quagliano of 1411 North 7th Street stated his concern that if the business ends up in financial trouble that it could end up catering to a younger crowd. He was also concerned with noise, restaurant smell and parking. The Development Director reviewed the parking plan. John Gayewski of 4186 Summer Street presented a picture of Mark Quagliano's home which is fenced in.

He also submitted more names of neighbors who are in favor the new restaurant/bar opening up in their neighborhood. After further discussion by the City Council, the rezoning 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

RESOLUTIONS:

Introduced By: Scott Seconded By: Thomas

1. Resolution Approving Final Plat of Circus Ground Subdivision

DISCUSSION: The Development Director reviewed the final plat of Circus Ground Subdivision with the City Council and the viewing audience. He stated that the property was located off of Miller Street and was being split into two buildable

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

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Davidson Seconded By: Thomas

2. Resolution Approving Final Plat of Thirteenth Addition to Flint Ridge Business Park Subdivision

DISCUSSION: The Development Director reviewed the final plat of the Thirteenth Addition to Flint Ridge Business Park with the City Council and the viewing audience. He stated that the final plat created a 11 lot subdivision. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Ell Seconded By: Thomas

3. Resolution Approving Form of Promissory Note and Subrecipient (Borrower) Loan Agreement with CNH America LLC

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street questioned how much money

the promissory note with CNH America LLC was for and any details of the agreement. The City Manager stated that the promissory note was for \$635,000.00

with an interest rate of 6% and was between CNH America LLC and the Iowa Department of Economic Development. He stated that the monies were for job creation. Leon Shahan questioned who monitors if CNH America LLC creates the required jobs. The City Manager stated that the State audits CNH America LLC through their payroll reports. All present had opportunity to speak and nothing

additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

INSERT CITY CLAIMS, PAYROLL & DISBURSEMENT OF FUNDS

COMMENTS FROM AUDIENCE: Scott Peck, representing Babe Ruth Baseball League presented the City Council with the summary, current situation and recommendation for a new home for the Babe Ruth Baseball League. The Babe Ruth Baseball League had played ball at Cottonwood Park ball diamond, but that diamond has been removed due to the Flint Hills Manor Revisited Project. Those who spoke for the Babe Ruth Baseball League were as follows: Al Sparks of 302 South Garfield Avenue, Tom Plein of 1308 Sioux Street and Ed Minard of 11757 Greenwood Drive. After discussion by the City Council, Mayor Ell stated that the issue would need to be discussed at a future work session. Leon Shahan of 1821 Mt. Pleasant Street questioned when the City will receive their monies from

Robert Muir Development for the property at Flint Hills Manor. The City Manager

stated that the City has received 10% down payment (\$240,000.00). He stated that the closing date was January 12, 2008 with construction starting the Spring

of 2008. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:30 p.m.

Approved: December 17, 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

RESOLUTION:

1. Resolution Approving Purchase of One Case Model 621 Articulated Wheel Loader for Public Works Department, Streets and Sewer Division

SET DATE FOR PUBLIC HEARING: December 17, 2007

1. Consideration of Designation of the Expanded Flint Hills Urban Renewal Area

and on the Urban Renewal Plan