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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 7
April 7, 2008

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 Davidson, Murray, Scott and Thomas present.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Earth Day - Joe Haley
Sexual Assault Awareness Month - Char Blodgett
Crime Victims' Rights Week - Pat Jackson
Southeast Iowa District Track and Field Day - James Bonar

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: Davidson Seconded By: Murray
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. Mary Baker of 320 South 6th Street stated that she did not want to pull off the Resolution Approving Contract with RDG Planning & Design for Feasibility Study and Master Plan for Aldo Leopold Interpretative Center from the consent agenda, but wanted to know the location of the center. The Interim City Manager stated that it was a feasibility study and no location has been decided upon. Council Member Murray 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

HEARING:

1. Statement: Consideration of an Ordinance Amending the Future Land Use Map and Rezoning Designated Property Between Gnahn Street and the Railroad Tracks, North of Whittaker Street from R-2 (Single-Family Residential, Non-Traditional) and R-3 (Two-Family Residential) to M-1 (Light Industrial Zoning District)

COMMENTS: The Development Director stated that the proposed Ordinance rezones property located between Gnahn Street and the railroad tracks, north of Whittaker Street from R-2 (Single-Family Residential, Non-Traditional) and R-3 (Two-Family Residential) to M-1 (Light Industrial Zoning District). He stated that the property would be rezoned to match the use. Brockway Company is planning on constructing a new building. The Planning Commission unanimously approved the rezoning. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Murray
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Murray
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending the Future Land Use Map and Rezoning Designated Property Between Gnahn Street and the Railroad Tracks, North of Whittaker Street from R-2 (Single-Family Residential, Non-Traditional) and R-3 (Two-Family Residential) to M-1 (Light Industrial Zoning District)

Seconded By: Scott

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Scott
1. Resolution Approving 28E Agreement Between the City of Burlington, Iowa, Southeastern Community College and the Burlington Junior League Baseball, Inc.

Seconded By: Thomas

DISCUSSION: The Interim City Manager stated that the City was entering into a 28E Agreement to find a place for Babe Ruth Junior League to play at the direction of the City Council. He stated that terms of the agreement provides that lights will be installed at Southeastern Community College, with Southeastern Community College paying the cost difference between Babe Ruth level lighting and Collegiate level lighting. The City will pay 65% of the cost

for Babe Ruth level lighting. He stated that the City's cost would be slightly more than \$100,000.00 paid over a three-year period. He stated that in exchange, if the City has an organized event that needs a facility, the baseball

diamond can be used with the City paying electrical cost and cleanup. He further stated that the City of West Burlington has contributed \$10,000.00 over a three-year period. Council Member Scott questioned if the Burlington Junior League Baseball, Inc., had their finances arranged. Randy Pflum of the Burlington Junior League Baseball, Inc. stated that they were very close on getting their financing figured out. Mayor Ell stated that it has been a pleasure working with Randy Pflum. The Interim City Manager stated that it was a good example of intergovernmental cooperation. Council Member Scott stated that in the beginning that he had a lot of reservations, but the 28E Agreement provided a win-win for all parties involved. Council Member Thomas stated that he was glad that communications and cooperation between Burlington and West Burlington were worked out. Council Member Davidson stated that in the beginning he was not in favor of the project, but ended up with a nice facility for a lot less money if the City had tried on their own constructing a new facility. Council Member Murray stated that it was a tremendous example of how all entities have stepped up for the young people of the community. He thanked all involved for making the project happen. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Scott
2. Resolution Approving Admission Fee Agreement for Catfish Bend

Seconded By: Thomas

DISCUSSION: The Interim City Manager stated that when Catfish Bend Casino was docked on the riverfront the City would receive \$.50 per passenger boarding the boat. He stated that now that the casino is landbased and customers can come and go from the casino to other areas of Fun City, it inflates the count for Catfish Bend Casino. He stated that the new agreement provides that the City

accept a fee equal to .94% of the adjusted gross receipts earned at the casino on a weekly basis. 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: Thomas

Seconded By: Scott

3. Resolution Approving Liquor License for Pleasant Hotel, Inc. dba/Howard Johnson Inn

DISCUSSION: The Interim City Manager stated that the Fire Chief and Fire Marshal

had concerns with fire safety issues at the Howard Johnson Inn in Burlington. He stated that Howard Johnson Inn is now working with the Fire Department and the Fire Chief is recommending approval of their liquor license at this time. The Fire Chief stated that after recent discussions with the owner of the hotel and a commitment by the owner that fire safety issues would be corrected by June

2008, he recommended approval of the license. Council Member Davidson questioned staff if the only time fire inspections are made were at liquor renewal time. The Fire Chief stated that they were looking at an Ordinance that

would require fire inspections for multi-occupancy buildings. Eric Conrad, owner of Howard Johnson Inn, stated that due to staffing issues he was only recently aware of fire safety problems at the hotel. 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: Thomas

Seconded By: Scott

4. Resolution Approving Plans and Specifications for the 2008 Cliff Road Sidewalk Project

DISCUSSION: The Interim City Manager stated that the City Council held a public hearing on the plans and specifications for the 2008 Cliff Road Sidewalk Project

two weeks ago. He stated that the Development Director has written a memo on the issue. He stated that the closest that the sidewalk would be near a home would be 9 ft. He stated that the slope is the same on the east and the west side of the street. He stated that the City owns the right-of-way on the east side of the street and not the west side of the street. He further stated that staff was recommending construction of the sidewalk on the east side of the street. Jane Evans, member of the Safe Routes to School Committee, stated that safety of children was first. Don Harter, member of the Safe Routes to School Committee, stated that the sidewalks would be built with grant monies and not taxpayersâ monies. He hoped that in the future all subdivisions would be required to have sidewalks. Alan Fabel of 2419 Cliff Road stated that it was not an issue between the east and the west side property owners but an issue of Cliff Road in general and the effectiveness of the sidewalk. He stated that his

concern was for the safety of children walking across the street from the west side of Cliff Road to the east side of Cliff Road and Sunnyside Avenue. Council

Member Davidson questioned where monies for the project would come from, if there was a shortfall. The Interim City Manager stated that should there be a shortfall, monies for the project would come from monies allocated from sidewalk

funds. Council Member Murray stated that he had originally voted against the sidewalk on the east side of the street, but has since walked the area and visited with property owners on Cliff Road. He stated that he would also like to see a school cross walk on Cliff Road. He stated that his vote two weeks ago

was not against sidewalks in general as sidewalks are important. Council Member Thomas stated that he had originally voted no, but felt the comprehensive plan states that sidewalks are needed in all neighborhoods. Mayor Ell stated that he had also originally voted no, but since then he has spoken with property owners about the issue and also agreed with Council Member Thomas that the comprehensive plan mandates that the City pursue sidewalks. He stated that sidewalks are needed on Cliff Road and the east side would be the most effective. Council Member Scott stated that he had voted in favor of the Resolution two weeks ago, and has always been a huge supporter of sidewalks. Mary Baker of 320 South 6th Street stated that many new subdivisions in other cities in the United States have sidewalks on just one side of the street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

COMMENTS FROM AUDIENCE: None.

Adjournment: 7:58 p.m.

Approved: April 21, 2008

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 Approving Refund of Liquor License for Shamrock Pub, Inc. dba/Shamrock Pub
 3. Resolution Approving Amendment No. 2 to the Alfacomma America, Inc. CEBA 03-OPP-04 Agreement to Extend Project Through December 30, 2008
 4. Resolution Awarding Contract for 2008 Market Street Lift Station Valve Replacement
 5. Resolution Approving Contract with RDG Planning & Design for Feasibility Study and Master Plan for Aldo Leopold Interpretative Center

SET DATE FOR PUBLIC HEARING: April 21, 2008

1. Consideration of Annual Consolidated Transit Funding Application

APPOINTMENTS:

City Planning Commission: Bryan Bross

Board of Plumbing Examiners: David Davis