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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 15
August 4, 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 OF RETIREMENT:

- * Robert McAnally, Battalion Chief
- * Richard Goble, Firefighter

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 no 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 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

HEARINGS:

1. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Cottonwood Court, North of Vineyard Street, and a Portion of Belmont Court, South of Vineyard Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The City Manager stated that several years ago the City vacated a large portion of Cottonwood Court to Winegard Company. He stated that there were a couple small strips of property that were not vacated at that time. The proposed Ordinance would vacate and sell the portion of Cottonwood Court to Huckleberry Holdings, LLC and the portion of Belmont Court to Winegard Realty Company. He stated that the City received a letter from a neighboring property owner if the berm would remain. He stated that the proposed Ordinance has no impact on the berm and it would remain. The Development Director reviewed with Council and the viewing audience the area that would be vacated and sold. Jacqueline Tolson of 918 Belmont Court stated her concern that Winegard Company would remove the berm. The City Manager stated that he would verify before the second reading of the Ordinance, but thought that a condition to the rezoning of

the property several years ago was that a berm would be constructed and maintained. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Murray Seconded By: Thomas
Motion to Close

CARRIED

Introduced By: Murray Seconded By: Thomas

Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating

and Selling a Portion of Cottonwood Court, North of Vineyard Street, and a Portion of Belmont Court, South of Vineyard Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

2. Statement: Consideration of an Ordinance Amending Section 158.03 Potable Water Material Standards of Chapter 158 Plumbing Code of the Burlington Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance amends Section 158.03 Potable Water Material Standards of Chapter 158 Plumbing Code. He stated that the proposed Ordinance would allow for the use of cross-linked polyethylene

(PEX) piping. The Development Director stated that he received a memo from the City Inspector regarding possible amendments to the proposed Ordinance. He stated that he would speak further on the amendments at the next work session. Council Member Scott requested that the amendments be clear and easy to understand. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Scott

Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Scott

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending

Section 158.03 Potable Water Material Standards of Chapter 158 Plumbing Code of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

3. Statement: Consideration of a Permanent Encroachment Agreement Between the City of Burlington and Doug Ells for a Handicap Accessible Ramp at 1700 South 13th Street, Burlington, Iowa

COMMENTS: The City Manager stated that the City was entering into a permanent encroachment agreement with Doug Ells for a handicap accessible ramp at 1700 South 13th Street. He stated that there was no sidewalk on the property. The Development Director reviewed the details of encroachment with the City Council and the viewing audience. He stated that the review process with City departments and utility companies showed no concerns. Doug Ells of 1700 South 13th Street stated that his wife has MS and is unable to walk and needed the handicap accessible ramp. He asked how wide would he be able to build the ramp.

The Development Director urged Doug Ells to meet with his department to review the plans. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Murray

Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Murray

Resolution Approving Permanent Encroachment Agreement Between the City of Burlington and Doug Ells for a Handicap Accessible Ramp at 1700 South 13th Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

4. Statement: Consideration of a Permanent Encroachment Agreement Between the City of Burlington and Karen Thomas for a Handicap Accessible Ramp at 2015 Isabella Street, Burlington, Iowa

COMMENTS: The City Manager stated that the City was entering into a permanent encroachment agreement with Karen Thomas for a handicap accessible ramp at 2015 Isabella Street. He stated that there was no sidewalk on the property. The Development Director reviewed the details of encroachment with the City Council and the viewing audience. He stated that the review process with City departments and utility companies showed no concerns. 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: Scott

Resolution Approving Permanent Encroachment Agreement Between the City of Burlington and Karen Thomas for a Handicap Accessible Ramp at 2015 Isabella Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

ORDINANCE:

Introduced By: Scott Seconded By: Thomas

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Establishing an Economic Development Advisory Board and Designating the Duties, Thereof

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Establishing an Economic Development Advisory Board and Designating the Duties, Thereof from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Scott Seconded By: Davidson

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of An Ordinance: An Ordinance Establishing an Economic Development Advisory Board and Designating the Duties, Thereof

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTION:

Introduced By: Scott

Seconded By: Thomas

1. Resolution Approving a Grant Application to the Iowa Finance Authority for Upper Story Redevelopment for the Hedge Building

DISCUSSION: The City Manager stated that the proposed Resolution approves a \$90,000.00 grant application to the Iowa Finance Authority for the upper story redevelopment of the Hedge Building. He stated that the upper two floors of the

building would be used for low to moderate incoming housing. The City is providing a local match of \$4,000.00 for the project. Mayor Ell reminded the viewing audience that the City was only sponsoring \$4,000.00. Council Member Thomas stated that he was glad to see the redevelopment of the Hedge Building. Council Member Davidson hoped that this was a seed for more development in the downtown. The City Manager reminded Council that they will be taking a walking tour of the downtown on August 12, 2008 at 3:30 p.m., with refreshments being served at the Schramm building at the end of the tour. All present had opportunity to speak and nothing additional was on file in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

INSERT CITY CLAIMS, PAYROLL & DISBURSEMENT OF FUNDS

COMMENTS FROM AUDIENCE: None.

Adjournment: 7:33 p.m.

Approved: August 18, 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 Refund of Liquor License for Liquor Depot, LLC dba/Liquor Depot of Burlington

2. Resolution Approving Refund of Cigarette License for Liquor Depot, LLC dba/Liquor Depot of Burlington

3. Resolution Approving Refund of Liquor License for Warren L Jacobs dba/South Side Inn

4. Resolution Approving Demolition/Nuisance Abatements for Various Properties

5. Resolution Awarding Contract for the 2008 Burlington RecPlex Trail, Phase II

6. Resolution Authorizing the Filing of an Application for the Resource Enhancement and Protection (REAP) Grant Program for Construction Costs for the

City of Burlington's Portion of the Flint River Trail

SET DATE FOR PUBLIC HEARING: August 18, 2008

1. Consideration of an Ordinance Repealing Title 17, City of Burlington Development Program (Zoning and Subdivision Regulations) and Adopting a New Title 17, City of Burlington Development Program in Lieu Thereof According to Chapter 414 of the State Code of Iowa

APPOINTMENTS:

Parks Advisory Committee: Peggy Hunt, Robert McCannon and Paula Renard