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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 16
August 18, 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

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: Davidson Seconded By: Thomas

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 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.

(VOTES: 5 - AYES)

CARRIED

HEARINGS:

1. Statement: 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

COMMENTS: The City Planner stated that the majority of changes to the proposed Development Program were minor in an effort to ensure that the Zoning and Subdivision regulations are clear, understandable and enforceable. The proposed

Ordinance is an effort to make the Code more user friendly, with fewer interpretations taking place by staff and other individuals using the Code. He stated that the key changes were as follows: downtown residential (will restrict

residential uses on the first floor, storefront area, within the core downtown area); all day cares will require a special use permit; site development standards (will require sidewalks) for new residential construction and for major additions/remodels to existing homes. He stated that the new section on wind energy systems sets criteria for wind turbines within the City will be provided for the second reading. Council Member Scott felt that the Code was too restrictive regarding adding an addition to a person's existing home. He stated that he would like to see a subcommittee created that would review the Zoning and Subdivision Code. Council Member Thomas stated that he would like people to have a sense of place and felt that the Code was restrictive. Council

Member Murray stated that every time you turn around there were fewer choices. He felt that people should be able to make their own choices. Mayor Ell stated that the Council needed to be willing to revisit the Ordinance from time to time

to make revisions. Council Member Davidson stated that the proposed Ordinance gives specific direction for the Planning and Zoning Commission that were needed. He stated that he believed that people should be able to do what they want with their property under guidelines. Council Member Scott stated that he felt that sealcoat should be an option for use on driveways and parking lots. Leon Shahan of 1821 Mt. Pleasant Street stated that he would like to see sidewalks required on all arterial streets as it is so dangerous to jog or walk on busy arterial streets. He also stated that the Code should not be a one size

fit all for Burlington due to some areas being historic. The City Planner stated that the City can create PUD Overlays for specific areas to address specific areas of Burlington. Council Member Murray stated that he would like to see more pedestrian bike trails added with an extra shoulder area for bikes and scooters. Roy Moore of 905 Hayes Street stated that there was an existing solar and wind energy chapter in the State Code. He stated that he would like to see Burlington become a green community. 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

Motion for Preliminary Adoption of the First Reading 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

DISCUSSION: None.
(VOTE: 5 - AYES)

CARRIED

2. Statement: Consideration of an Ordinance Rezoning of the Property Located at 623 Market Street from R-4, Multi-Family Residential to C-3, Central Business District (Downtown Mixed Use) Zoning District

COMMENTS: The City Planner reviewed with the Council and the viewing audience the proposed Ordinance that allows for the rezoning of the property located at 623 Market Street from R-4, Multi-Family Residential to C-3 Central Business District (Downtown Mixed Use) Zoning District. He stated that the building has historically been used as a commercial business. He stated that the owner was planning on remodeling the building. He stated that the Plan Commission voted 4-0 in favor of the rezoning. He reviewed the conditions of the rezoning with Council. Dave Wallace of 116 South 7th Street questioned if his property taxes would increase due to the rezoning. Mayor Ell stated that the rezoning would not affect the neighbor's property taxes. Dean Gilbert of 122 South 7th Street

stated that he presently has a hard time parking in front of his home and was concerned that the rezoning would make it worst. He questioned what the proposed plans were for the building. The City Planner stated that he was not sure what the use would be, possible storage. He stated that there was a possibility that Dean Gilbert could be impacted by parking. Council Member Davidson stated that the building faces Market Street and that parking should not be a big issue for Dean Gilbert. The City Planner stated that he would check out the parking situation prior to the second reading of the Ordinance.

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

Introduced By: Murray Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Murray Seconded By: Thomas
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning of the Property Located at 623 Market Street from R-4, Multi-Family Residential to C-3, Central Business District (Downtown Mixed Use) Zoning District

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

ORDINANCES:

Introduced By: Scott Seconded By: Davidson
1. Motion to Amend Exhibits B and C of the 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: The City Manager stated that at the last City Council meeting there was a neighbor concerned that the berm would be removed once the property was vacated. He stated that the berm was a part of the 1995 rezoning condition for the property and the berm will need to remain. He stated that the motion to amend makes changed to the legal description and to the conditions of the vacation. He stated that the amendment would provide that a portion of the vacated portion of Cottonwood Court shall be transferred to Huckleberry Holdings, LLC and a portion shall be transferred to Winegard Realty Company with

the vacated portion of Belmont Court shall be transferred to Winegard Realty Company. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Scott Seconded By: Thomas
2. Motion to Amend the Motion for Preliminary Adoption of the Second 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 - AYES)

CARRIED

Introduced By: Scott Seconded By: Thomas
3. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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 - AYES)

CARRIED

Introduced By: Scott Seconded By: Murray
4. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 158.03 Potable Water Material Standards of Chapter 158 Plumbing

Code of the Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes to the proposed Ordinance amending section 158.03 Potable Water Material Standards of Chapter 158 Plumbing Code from the first reading. Council Member Scott stated that the Board of Plumbing Examiners have examined the proposed Ordinance as a courtesy and their recommendation was in line with the Plumbing Inspector and they were all in favor of the proposed Ordinance, but with amendments. He stated that he has since checked with several facilities and contractors who have used PEX piping and there have been no leaks. He stated that he has not heard one bad comment about the PEX piping. He made a motion to waive the second reading and to final adopt the Ordinance. Council Member Thomas seconded the motion. Council Member Davidson stated that he would like to see Council vote on all three readings of the Ordinance. Mayor Ell agreed with Council Member Davidson.

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

(VOTE: 5 - AYES)

CARRIED

Introduced By: Scott

Seconded By: Thomas

5. Motion to Amend the Motion for Preliminary Adoption of the Second 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: 2 - AYES THOMAS AND SCOTT

3 - NAYS DAVIDSON, ELL AND MURRAY)

FAILED

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street requested a 12-month operational report for Huck's Harbor Water Park. The City Manager urged Leon Shahan to stop in his office and he would give him a summary report of Huck's Harbor from the first day of business. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:15 p.m.

Approved: September 2, 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 Requesting Establishment of a Restricted Speed Zone

SET DATE FOR PUBLIC HEARING: SEPTEMBER 2, 2008

1. Consideration of an Ordinance Establishing Chapter 37 Renewable Energy and Conservation Advisory Committee of the Burlington Municipal Code

APPOINTMENTS:

Board of Plumbing Examiners: William Ewinger