

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

ORDINANCES:

Introduced By: Thomas Seconded By: Scott

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Establishing Chapter 37 Renewable Energy and Conservation Advisory Committee of the Burlington Municipal Code

DISCUSSION: Council Member Thomas thanked the City Council for their vision of establishing the Renewable Energy and Conservation Advisory Committee. He stated that the Committee will be hosting an Aldo Leopold Energy Fair at the Port of Burlington on

October 11, 2008 from 9:00 a.m. to 4:00 p.m. 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: Thomas Seconded By: Scott

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of Ordinance Establishing Chapter 37 Renewable Energy and Conservation Advisory Committee of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Scott

3. Motion for Final Adoption 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: The City Manager stated that there were two proposed amendments to Title 17 Zoning and Subdivision Regulations. He stated that the first amendment

provides that sidewalk construction shall only be required when a sidewalk is present on the same side of the street and within the same block (600-foot maximum on either side) as the property in question. He stated that the second amendment changes the maximum lot coverage for residential zones as follows: R-1

and R-2 would be 35%; R-3 would be 40% and R-4 would be 45%. The lot coverage requirement for commercial and industrial zoned properties did not change. He stated that Downtown Partners has appointed a committee to discuss the issue as to whether to allow residential units constructed on first floor commercial properties. He suggested that the City Council should vote on the two proposed amendments and then continue the final adoption until the October 6, 2008 City Council meeting when the City Council can receive Downtown Partners recommendation regarding the issue of residence on first floor commercial properties. Council Member Davidson stated that like it or not the proposed Ordinance was a place to start. Council Member Scott agreed with Council Member

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

Introduced By: Davidson Seconded By: Thomas

4. Motion to Amend Section 17.40.107.4 Site Development Standards, Sidewalks of the 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 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Thomas

5. Motion to Amend Section 17.30.208 Maximum Lot Coverage of the 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 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Scott

6. Motion to Continue the Final Adoption 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 to the October 6, 2008 City Council Meeting.

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Murray Seconded By: Scott

7. Motion for Final Adoption 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: The City Manager stated that there were no changes to the 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 from the second reading. He stated that the parking concern was addressed at the second reading. 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: Murray Seconded By: Scott

1. Resolution Approving Participation with Des Moines County in a Joint Law Enforcement Study

DISCUSSION: The City Manager stated that one of the City Council's goals was a joint law enforcement center. He stated that Des Moines County has budgeted monies for a study of a joint law enforcement center. He stated that the proposed Resolution provides that the City will provide 50% of the costs of the study up to a maximum reimbursement of \$25,000.00 to be paid during the fiscal year 2009-2010. 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: Murray Seconded By: Thomas

2. Resolution Approving Refund of Liquor License for Pleasant Hotel, Inc.
dba/Howard Johnson Inn

DISCUSSION: The City Manager stated that the proposed Resolution provides for a refund of the liquor license for Pleasant Hotel, Inc. dba/Howard Johnson Inn. He stated that Howard Johnson Inn owes the City \$500.00 for advertising for the RecPlex, has back water and sewer bills and they owe several area contractors. He stated that they have walked away from their responsibility. He suggested that the City Council has the option of not refunding their liquor license. Council Member Thomas stated that he did not want to spend \$1,500.00 in legal fees fighting over \$500.00. The City Manager stated that the only recourse Howard Johnson has would be small claims court. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â NAYSâ)

FAILED

COMMENTS FROM AUDIENCE: None.

Adjournment: 7:51 p.m.

Approved: October 6, 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 Communication Site Lease Tower Agreement with iPCS Wireless, Inc.
3. Resolution Authorizing the Filing of an Application for Iowa Federal Recreational Trails Funds for Development Costs for Phase III (Section A) of the City of Burlington's Portion of the Flint River Trail
4. Resolution Authorizing the Filing of an Application for State of Iowa Safe Routes to School Funds for Pedestrian Improvements to Sunnyside Avenue
5. Resolution Approving Agreement with Burbach Aquatics, Incorporated for Professional Services for the Feasibility Study for the Repair, Renovation or Replacement of the Municipal Swimming Pool Facility

SET DATE FOR PUBLIC HEARINGS: October 6, 2008

1. Consideration of an Ordinance Rezoning Property at 713 North Main Street from C-2, General Commercial Zoning District to C-3, Central Business District (Downtown Mixed Use) Zoning District
2. Consideration of a Permanent Encroachment Agreement between the City of Burlington and United Pentecostal Church for a Handicap Accessible Ramp at 1748 South Street
3. Consideration of Plans and Specifications for the Ongoing Sealcoat Reclamation Project

APPOINTMENT:

Environmental Protection Board: Newt Colburn