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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 36  
June 15, 2009

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. Mayor Ell recognized Skylar Franklin from Boy

Scout Troop 40 to the meeting who was working on a merit badge.

BURLINGTON CITY COUNCIL

PRIDE OF THE COMMUNITY AWARD RECIPIENTS:

Paul Ellmers, 1925 Highland Avenue  
Stephen and Donna Heyland, 1325 South Garfield Avenue  
Dale and Nancy Schmidt, 2001 South 15th Street  
Barbara Solheim, 1712 South Central Avenue

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: 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 requested the removal of the Resolution

Authorizing a Contract Between the City of Burlington and the Southeast Iowa Regional Planning Commission to Complete Administration for the Neighborhood Stabilization Program for discussion at the close of the meeting. 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 - â AYESâ )

CARRIED

HEARINGS:

1. Statement: Consideration of Plans and Specifications for the 2009 Mt. Pleasant Street HMA Resurfacing Project

COMMENTS: The City Manager stated that the 2009 Mt. Pleasant Street HMA Resurfacing Project would be 100% funded by the American Recovery and Reinvestment Act (ARRA) Funds. The Public Works Director reviewed the plans and

specifications with the City Council and the viewing audience. He stated that upon completion of the resurfacing, the portion of Mt. Pleasant Street east of Curran Street will be marked for one through lane in each direction of travel with a two-way center turn lane. The portion west of Curran Street will remain four lanes. He stated that the budget available was \$1,431,000.00 with the construction estimate of \$1,330,000.00. The Iowa Department of Transportation will receive bids on July 21, 2009 with the contract being awarded by the City

Council on August 17, 2009. Construction will take place the summer/fall of 2009. Leon Shahan of 1821 Mt. Pleasant Street asked if there would be a traffic light installed at Mt. Pleasant Street and Curran Street. He also suggested that Mt. Pleasant Street be constructed with two lanes of traffic and two lanes for bicycle traffic. The City Manager stated that once the improvements are in place then it can be assessed if a traffic light is warranted. The Public Works

Director stated that changing the plans now would jeopardize and delay the project. Council Member Davidson stated that there was too much traffic on Mt. Pleasant Street to have a bike lane. Council Member Murray stated that possibly

a wider sidewalk on one side of Mt. Pleasant Street to be used for bicycle and pedestrian traffic could be looked at in future budgets. Council Member Thomas also stated that in the future bike lanes need to be looked at. The Public Works Director reminded the City Council that the City has a nice bike trail at the RecPlex and was working on a bike trail north of Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Murray    Seconded By: Davidson  
Motion to Close

CARRIED

Introduced By: Murray    Seconded By: Davidson  
Resolution Approving Plans and Specifications for the 2009 Mt. Pleasant Street  
HMA Resurfacing Project

DISCUSSION: None.

(VOTE: 5 - â AYESâ )

ADOPTED

2. Statement: Consideration of Plans and Specifications for the 2009 Railroad Quiet Zone Project

COMMENTS: Jim Gersema of SRF Consulting reviewed with the City Council and the viewing audience the plans and specifications for the 2009 Railroad Quiet Zone. The project consists of a combination of railroad crossing closures and safety improvements that will allow trains passing through the central business district on BNSF tracks to do so without sounding their horns. The railroad crossings to receive safety improvements were as follows: South Main Street; South 4th Street; South 5th Street; Valley Street; Jefferson/Hawkeye Streets and Lucas Street. The railroad crossings to be closed were as follows: South 3rd Street, South 7th Street and South 8th Street. The Public Works Director stated

that the budget available was \$373,500.00 with the construction estimate of \$365,000.00. Funding for the project would be \$285,500.00 from the City of Burlington and \$88,000.00 IDOT and Burlington Northern Santa Fe Railroad. Bids would be received on July 22, 2009 with the contract award on August 3, 2009. Construction would commence the Fall of 2009 with the project completed by November 1, 2009. He stated that the City's risk level was 12,400, which reduces the City risk index far lower than the risk index with train horns. Those who spoke in favor and thanked the City Council for the Railroad Quiet Zone were as follows: Jon Billups of 801 North 5th Street; Steve Frevert of Downtown Partners; Dana Johnston of Drake Hardware and Software and Ben Brink. Many of those who spoke stated that the elimination of the train horns would help those who work and live in the downtown area. Leon Shahan of 1821 Mt. Pleasant Street stated he was against the project and the amount of monies that will be spent on streets that are rarely used. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott  
Motion to Close

Seconded By: Thomas

CARRIED

Introduced By: Scott  
Resolution Approving Plans and Specifications for the 2009 Railroad Quiet Zone Project

Seconded By: Thomas

DISCUSSION: None.

(VOTE: 5 - AYES )

ADOPTED

ORDINANCE:

Introduced By: Thomas Seconded By: Scott

1. Motion for Final Adoption of an Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Creating a PUD (Planned Unit Development) Overlay Zone for the Property Located at 3000 Kirkwood Street, as Allowed by Section 17.20.40 of the Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Creating a PUD (Planned Unit Development) Overlay Zone for the Property Located at 3000 Kirkwood Street, as Allowed by Section 17.20.40 of the Burlington Municipal Code

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

(VOTE: 5 - AYES )

CARRIED

RESOLUTION:

Introduced By: Thomas Seconded By: Davidson

1. Resolution Authorizing a Contract Between the City of Burlington and the Southeast Iowa Regional Planning Commission to Complete Administration for the Neighborhood Stabilization Program

DISCUSSION: The Development Director stated that the proposed Resolution authorizes a contract with the Southeast Iowa Regional Planning Commission to administer the Neighborhood Stabilization Program for the City of Burlington. He stated that the City of Burlington has received more than \$600,000.00 in grant monies from the Iowa Department of Economic Development for acquiring properties that are in foreclosure to be rehabilitated and to acquire blighted homes that will be demolished. The homes that will be rehabilitated will be put

back on the market for affordable home ownership, not as a rental property. The

City Manager stated that the fee for Southeast Iowa Regional Planning Commission

to administer the program was included in the grant. He further stated that one

of the reasons that the Southeast Iowa Regional Planning Commission will administer the program was due to the Development Department will be busy updating the City's Comprehensive Plan. The Development Director stated that his department has a summer intern that will be taking a picture of every home in Burlington to assess the condition of the homes for future grant monies. Council Member Thomas and Council Member Murray stated that it was a good program and applauded staff for their work on obtaining the grant. 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: Robert D. Walker of 1018 South12th Street thanked the Parks and Recreation staff for their work from picking up trash to removing graffiti at the City parks. David Wiemer of 2216 Gilbert Street presented the Mayor with a thank you note from the property owners on Gilbert Street for reconstructing their street. He also thanked Steve Hartman, Deputy Public Works

Director/City Engineer for providing a golf cart for his wife to use during the construction. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:14 p.m.

Approved: July 6, 2009

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 Amendment to the 28E Agreement Establishing a Joint Safety Director to Transfer Audit Responsibility to the City of Burlington
2. Resolution Approving Audit Services Agreement for Fiscal Year 2008-2009 with Eide Bailly, LLP
3. Resolution Approving Economic Development Set-Aside (EDSA) Contract Amendment with the Iowa Department of Economic Development for 12-month Extension to the Project Completion Date for CNH America, LLC
4. Resolution Granting the City Manager Permission to Sign off on Correspondence and Forms Required for the Iowa Department of Economic Development for the Neighborhood Stabilization Program

APPOINTMENTS:

RecPlex Advisory Committee: Shannon Dameron  
Library Board of Trustees: Roger Sheagren  
Economic Development Advisory Committee: Jim Davidson  
Riverfront Advisory Committee: Sue Frice  
Animal Hearing Board: Marcia Martin