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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 44
October 19, 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. Boy Scout Troop No. 3 led the City Council in the Pledge of Allegiance.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Business Women Week - Dale DeRosear
Red Ribbon Week - Michelle Williams

CERTIFICATE OF RECOGNITION: Kathleen Salisbury, City Clerk, 30 Years of Service

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 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

HEARINGS:

1. Statement: Consideration of an Ordinance Amending the Official Zoning Map for

the City of Burlington, Iowa by Rezoning the Property at 232 Columbus Drive and the Property Directly South of Such to Include a Planned Unit Development (PUD) Overlay Zoning District with a C-1, Limited Commercial Base Zone, as Allowed by Section 17.20 of the Burlington Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance rezones the property at 232 Columbus Drive and the property directly south to include a Planned Unit Development (PUD) Overlay Zoning District with a C-1, Limited Commercial Base Zone. He stated that the petitioner was the Salvation Army and due to the retail area that the Salvation Army provides, the property would need

to be zoned for a Limited Commercial Base Zone. The Development Director reviewed the aerial drawing of the property to the City Council and the viewing audience. He stated that the Planning Commission voted unanimously in favor of the rezoning. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Member Scott ask if Burlington Community School District had purchased additional property to the west. The Development Director stated that the School District did purchase a small portion of property to the west to accommodate their development. He stated that the western portion of lot 2 will

now include lining up with the trail area that is behind Fareway and Dr. Bush's office and the school district will be required to put in the trail. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

COMMENTS FROM AUDIENCE: Stan Stratton of 2809 Shamrock Drive stated his concern for the wash-out area behind his home. He stated that the wash-out area was not

on his property, but it was affecting his property. The City Manager stated that the City does have a plan to fix the problem, but Mr. Stratton does not like the plan that the City's two engineers have provided. He stated that Mr.

Stratton could hire his own engineer to come up with a plan and then the City could review that plan. Stan Stratton stated that the use of rip-rap was a step

in the right direction, but he was not sure it would work. He stated that he would be willing to purchase additional rip-rap if needed. Council Member Davidson stated that the City's Engineers feel that the rip-rap will help. Council Member Murray stated that he did take pictures of the area and that the City Council was concerned with Mr. Stratton's problem and that they were all in

his corner. Ann Diestelhorst, Executive Director of the Art Center stated that they purchased property at 301 Jefferson Street and hoped to have the property renovated by early January, 2010. She asked if the City Council would be willing to waive their building permit fees. The City Manager stated that the issue of waiving building permit fees have been brought up in the past. He stated that once you start waiving building permit fees where do you draw the line. He stated that the City was reviewing the issue. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:36 p.m.

Approved: November 2, 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 the Final Plat of First Addition to Stonegate Crossing Subdivision
2. Resolution Awarding Contract for the 2009 Summer Street HMA Resurfacing Project
3. Resolution Approving Purchase of Two New Medium Duty City Buses for Burlington Urban Service
4. Resolution Approving Purchase of a Single Axle Dump Truck for Public Works Department, Street and Sewer Division

SET DATE FOR PUBLIC HEARINGS: NOVEMBER 2, 2009

1. Consideration of a Grant Application for Community Development Block Grant (CDBG) Program for the Construction of Sewer Separations Along Harrison Avenue as Part of the Cascade Sewer Watershed
2. Consideration of a Grant Application for an Owner-Occupied Housing Rehabilitation Program in a Targeted Neighborhood within the Burlington City Limits

APPOINTMENTS:

City Planning Commission - Carl Behne
Construction Board of Appeals - Robert Boyle, Dave Metzger and Richard Rehman