

Subject to change as finalized by the City Clerk.
For a final official copy, contact the City Clerks office at (319)753-8124.

MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 45
November 2, 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 and Scott present. Council Member Thomas was absent.

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: 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 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: 4 - AYES)

CARRIED

HEARINGS:

1. Statement: 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

COMMENTS: The City Manager stated that the City was applying for a \$600,000.00 grant application for a Community Development Block Grant through the Iowa Department of Economic Development for the construction of a sewer separation along Harrison Avenue. He stated that the City would fund the remaining balance

of \$750,000.00 with Sewer Revenue Bonds. He stated that Tracey Lamm of the Southeast Iowa Regional Plan Commission was also present should the City Council

have any questions. The Development Director stated that the CDBG application was due on November 17, 2009. He stated that nearly 50% of the grant funds will

benefit the low-and moderate income persons in the area where the project is located. This amount was determined through an LMI survey that was conducted. He stated that 300 surveys were sent out and the City must have 80% of the surveys returned. The project will take place in the City of Burlington located

in Des Moines County. He stated that during construction of the project, there should be no residents that will have to be displaced. The City of Burlington has previously adopted a Residential Anti-Displacement and Relocation Assistance

agreement for the past Community Development Block Grants received and will update as needed. 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: Scott
Resolution Authorizing Execution of a Grant Application to the Iowa Department of Economic Development in Connection with a Sewer System Improvement Project

DISCUSSION: None.
(VOTE: 4 - AYES)

ADOPTED

2. Statement: Consideration of a Grant Application for an Owner-Occupied Housing Rehabilitation Program in a Targeted Neighborhood Within the Burlington City Limits

COMMENTS: The City Manager stated that the City was applying for a grant in the amount of \$369,900.00 for an Owner-Occupied Housing Rehabilitation Program in a Targeted Neighborhood within the Burlington City limits through the Iowa Department of Economic Development. The Development Director stated that the application deadline was November 13, 2009. All households assisted through this program will qualify based on income guidelines not to exceed 80% of county

median income. He reviewed with the City Council and the viewing audience a map

of the area where the activity will be conducted. Under rehabilitation processes, households will not be displaced. In some instances some households could be asked to move temporarily which such things as plumbing, electrical, or

lead-based paint need to be dealt with. Proper coordination between the contractor and homeowner can prevent displacement. Any household asked to leave

their premises will be told to so for their own safety and will be paid for out of administrative costs of the program. Items covered for the grant consist of electrical, plumbing, heating and venting, windows, roof, siding and foundation.

The program does not cover decks, air-conditioning and appliances. All code violations will be corrected. He further stated that the City has received a good response for returning surveys for the program. 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
To Amend the Dollar Amount in the First Paragraph of the Resolution Authorizing
the Filing of an Application for Iowa Department of Economic Development for an
Owner-occupied Rehabilitation Grant from \$390,000.00 to \$369,990.00

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Murray Seconded By: Scott
Resolution Authorizing the Filing of an Application for Iowa Department
of
Economic Development for an Owner-Occupied Rehabilitation Grant

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

ADOPTED

RESOLUTIONS:

Introduced By: Scott Seconded By: Murray
1. Resolution Approving Purchase of a Pipeline Television Inspection System for
Public Works Department, Street and Sewer Division

DISCUSSION: The City Manager stated that the proposed Resolution provides for
the replacement of a pipeline television inspection system for Public Works
Department, Street and Sewer Division of which \$150,000.00 was budgeted. This
will replace a 1977 GMC Step Van with television system mounted on it. He
stated that two bids were received on October 14, 2009 with the lowest bidder of

Municipal Pipe Tool Company of Hudson, Iowa in the amount of \$131,300.00.
Council Member Davidson questioned what would happen if the City did not have
the inspection system equipment. Chris Clements, Operations Manager for Public
Works, stated that the equipment can pinpoint a break within 6 to 12 inches
verses digging up a whole street to find the problem. The Public Works Director
stated that the equipment is used prior to a street project to make any repairs.

John Grove, the Regional Sales Manager for Cues Company, who manufactures the
televising system stated that the 1977 unit was one of the first units sold. He
stated that the equipment, camera and software are very articulate. He reviewed
with the City Council and the viewing audience photos of the proposed equipment.

Also present was Bryan Robinson, sales manager for Municipal Pipe Tool Company.

After considerable discussion by the City Council the Resolution was
unanimously approved by those present.

(VOTE: 4 - â AYESâ)

ADOPTED

Introduced By: Davidson Seconded By: Thomas
2. Resolution Approving the Final Plat of Cowles Subdivision Continued from the
September 21, 2009 City Council Meeting

DISCUSSION: None.

3. Motion to continue the Resolution Approving the Final Plat of Cowles
Subdivision to the December 7, 2009 City Council.

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: Scott

Seconded By: Ell

4. Resolution Awarding Contract for Removal of Asbestos at 617 Jefferson Street (Daisianna s)

DISCUSSION: The City Manager stated that facade falling off of the Daisianna s

building at 617 Jefferson Street invoked the Dangerous Building Ordinance. He stated that prior to demolition of the building the asbestos will need to be removed. He stated that the project would be awarded to Affordable Hazards Removal, Inc. in the amount of \$34,470.00. He stated that the project would be funded through the Downtown TIF. He further stated that the City will take over

possession of the property and will sell the vacant lot. The Development Director stated that the City received five bids ranging from \$34,470.00 up to \$59,400.00. He stated that asbestos samples had been taken from the boiler, ceilings, tile floors, carpeting and drywall/plaster. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Scott

Seconded By: Murray

5. Resolution Awarding Contract for the Demolition of 617 Jefferson Street (Daisianna s)

DISCUSSION: The City Manager stated that the proposed Resolution awards contract

for the demolition of 617 Jefferson (Daisianna s) to the lowest bidder of Davo lt

Demolition and Excavation. The Development Director stated that the City received five bids for the project. He stated that the removal of the asbestos should start soon prior to the demolition of the building. He further stated that the Daisianna s building and the Paddlewheel building share a joint wall.

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

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Scott

Seconded By: Murray

6. Resolution Approving the Final Plat of Buhmeyer s First Subdivision

DISCUSSION: The City Manager stated that the proposed Resolution approves the final plat of Buhmeyer s First Subdivision. The Development Director reviewed

with the City Council and the viewing audience the final plat of the subdivision. He stated that the petitioner was planning on a simple lot split to the subdivision. He stated that the City Council did not need to approve the

preliminary plat as a single parcel being subdivided does not need preliminary plat approval by the City Council. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

ORDINANCES:

Introduced By: Davidson Seconded By: Scott

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading 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

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

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Scott

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Murray

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning the Property Located at 401 South Roosevelt Avenue from M-2, Heavy Industrial Zoning District to M-1, Light Industrial Zoning District

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Rezoning the Property Located at 401 South Roosevelt Avenue from M-2, Heavy Industrial Zoning District to M-1, Light Industrial Zoning District from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Scott

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Rezoning the Property Located at 401 South Roosevelt Avenue from M-2, Heavy Industrial Zoning District to M-1, Light Industrial Zoning District

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Murray

5. Motion for Final Adoption of an Ordinance Vacating a Portion of Terrace Drive Right-of-Way as Shown on the Plat of Westland Subdivision, City of Burlington, Des Moines County, Iowa

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Vacating a Portion of Terrace Drive Right-of-Way as Shown on the Plat of Westland Subdivision, City of Burlington, Des Moines County, Iowa from the second reading. All present had opportunity to speak and nothing additional was

filed in the office of the City Clerk.
(VOTE: 3 - AYES DAVIDSON, ELL, MURRAY
1 - NAY SCOTT)

CARRIED

COMMENTS FROM AUDIENCE: Dennis Grizzle of 2924 Dill Street stated that it was not the desire of the Burlington Community School Board to develop Willow Street, but that it was the City requiring it. The City Manager explained that the School Board purchased land so that the street could go through. He stated that on October 5, 2009 the City Council approved the preliminary plat and at the October 12, 2009 Work Session the issue was discussed and both City staff and Smith Engineering representative who attended the Work Session felt it was the consensus that Willow Street be extended. John Kinney of 2913 Dill Street also stated his concern about extending Willow Street and storm water runoff. Council Member Scott stated that the Comprehensive Plan was only a guide and he agreed with the neighborhood on this instance. He also stated that it needed to

be spelled out in black and white that the developer is responsible for storm water runoff. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:15 p.m.

Approved: November 16, 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 Final Acceptance, Final Payment and Release of Retention

Monies for the 2009 HMA Resurfacing Project

2. Resolution Authorizing the Approval of the Residential Antidisplacement and Relocation Assistance Plan Required for CDBG Programs Within the City of Burlington

3. Resolution Authorizing an Amendment to the Contract with Klingner and Associates to Prepare Preliminary Permit Application for a Hydroelectric Project

4. Resolution Authorizing the Mayor to Sign State of Iowa REAP Grant Award Agreement for Flint River Trail

APPOINTMENTS:

Waterworks Board of Trustees: Gary Brotherson

