

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. 48
December 21, 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.

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: 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 - â AYESâ)

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Repealing Chapter 35 Animal Hearing Board of the Burlington Municipal Code and Adopting a New Chapter 35 Animal Hearing Board in Lieu Thereof

COMMENTS: The City Manager stated that approximately two months ago a dog was found vicious by the Animal Hearing Board and after the owners appealed to the Animal Hearing Board, the City Attorney reviewed the Ordinance and felt it should be cleaned up and clarified. He reviewed with the City Council and the viewing audience the proposed changes to the Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Scott

Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Scott

Motion for Preliminary Adoption of the First Reading of an Ordinance Repealing Chapter 35 Animal Hearing Board of the Burlington Municipal Code and Adopting a New Chapter 35 Animal Hearing Board in Lieu Thereof

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

2. Statement: Consideration of an Ordinance Amending Section 65.32 Vicious

Domestic Animals of Chapter 65 Animal Protection and Control of the Burlington Municipal Code

COMMENTS: The City Manager reiterated that after a dog was found vicious by the Animal Hearing Board and after the owners appealed to the Animal Hearing Board, the City Attorney reviewed the Ordinance and felt it should be cleaned up and clarified. He reviewed with the City Council and the viewing audience the proposed changes to 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 Amending
Section 65.32 Vicious Domestic Animals of Chapter 65 Animal Protection and Control of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

3. Statement: Consideration of a Permanent Encroachment Agreement between the City of Burlington and ARPW, LLC for a Handicap Accessible Ramp Located at 524 North Main Street, Burlington, Iowa

COMMENTS: The City Manager stated that the ARPW, LLC, the petitioner, wishes to construct a replacement handicap accessible ramp located at 524 North Main Street. The Development Director reviewed with the City Council and the viewing

audience the plans for the new ramp. Tim Roberts of 524 North Main Street stated that their handicap accessible ramp was constructed 20 years ago and Iowa

weather has taken a toll on it. He further stated that the platform was not quite wide enough for handicap patrons so the new ramp will be wider. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Thomas Seconded By: Murray
Motion to Close

CARRIED

Introduced By: Thomas Seconded By: Murray
Resolution Approving Permanent Encroachment Agreement between the City of
Burlington and ARPW, LLC for a Handicap Accessible Ramp Located at 524 North Main Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

ORDINANCE:

Introduced By: Thomas Seconded By: Davidson
1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of Baumberger Street Right-of-Way, Located Between Gordon Street and Monroe Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: The City Manager stated that there were no changes to the Ordinance

Vacating and Selling a Portion of Baumberger Street Right-of-Way, Located Between Gordon Street and Monroe Street, City of Burlington, Des Moines County, Iowa from the first reading. 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: Davidson

2. 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

Baumberger Street Right-of-Way, Located Between Gordon Street and Monroe Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Scott

Seconded By: Thomas

1. Resolution Approving Final Plat of Carpenter Subdivision

DISCUSSION: The City Manager stated that the proposed Resolution provides for the approval of the final plat of Carpenter Subdivision. The Development Director stated that the Kum and Go and the Lube & Oil business, both located on

Roosevelt Avenue were being parceled off into two separate lots. 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: Scott

Seconded By: Thomas

2. Resolution Authorizing a Linesaver Program Affinity Services Agreement with American Water Resources, Inc.

DISCUSSION: The City Manager stated that the proposed Resolution authorizes a Linesaver Program Affinity Services Agreement with American Water Resources, Inc., which will allow for an insurance policy to assist homeowners with repair or replacement of lateral sewer and water lines. He stated that the lateral sewer line insurance would cost \$9.00 per month and the water line insurance would cost \$5.00 or both could be purchased for \$12.00 monthly. He also stated that an emergency plumbing insurance for inside of the property owner's home was available for \$3.99 per month. He stated that the fees stated were initial fees

and they could be raised by American Water Resources, Inc. He stated that there were minor contract changes coming from the Attorney. He further stated that Council Member Scott was instrumental in wanting a program that would assist property owners. Council Member Scott questioned how the program would be marketed. The City Manager stated that the program would be marketed with direct mailings, brochures at the Waterworks office and licensed contractors and

licensed plumbers would have information. He stated that the City will receive 5% of the net revenues. He stated that the program should be implemented by April 1, 2010. He stated that American Water Resources, Inc. has approximately 700,000 customers in 20 states. Council Member Scott stated that property owners that have the insurance would be more apt to repair their sewer lines. He stated that the insurance provided up to \$10,000.00 in sewer repairs. 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: Scott

Seconded By: Thomas

3. Resolution Authorizing Acceptance of Offer of City Bridge Funding

DISCUSSION: The City Manager stated that the proposed Resolution authorized the Mayor to sign a letter to the Iowa Department of Transportation for acceptance of an offer of \$1,000,000.00 for City bridge funding for replacement of the Main Street Bridge a.k.a./Cascade Bridge. He stated that once the Iowa Department of Transportation received the letter they will mail out a contract to the City for the funding. He reminded the City Council that they had picked option two for a new bridge, which cost a little more than \$4,000,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street stated his concern that the Mt. Pleasant Street Overpass had more traffic than Cascade Bridge and that it should be replaced instead of Cascade Bridge. The City Manager stated that the Mt. Pleasant Street Overpass gets inspected every two-years by the City Engineer and that it was scheduled for substantial wall repairs and resurfacing in fiscal year 2011-2012. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:19 p.m.

Approved: January 4, 2010

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 Authorizing the Filing of an Application for FFY 2014 Regional Surface Transportation Program (STP) Funds for Development Costs for the City's Portion of the Flint River Trail
3. Resolution Approving Final Acceptance and Release of Retention Monies for the 2009 Sealcoat Streets Program
4. Resolution Providing for the Sale and Issuance of \$4,350,000 Sewer Revenue Bonds, Taxable Series 2010 (Build America Bonds - Direct Pay)
5. Resolution Providing for the Issuance of \$1,785,000 Taxable General Obligation Refunding Bonds, Series 2010, and Providing for the Levy of Taxes to Pay the Same

SET DATE FOR PUBLIC HEARING: JANUARY 4, 2010

1. Consideration of a Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and to Approve the Amended Urban Renewal Plan for Flint Hills Urban Renewal Area in the City of Burlington, Des Moines County, Iowa

APPOINTMENTS:

Flint Hills Golf Course Advisory Committee: Nelson Showalter
Renewable Energy Commission: Melanie Fritz
Environmental Protection Board: Melanie Fritz