

oning

the Property Located at Lot 3, Corey Subdivision, City of Burlington, Iowa, from
M-2, Heavy Industrial Zoning District to C-2, General Commercial Zoning District

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

2. Statement: Consideration of an Ordinance Amending Section 17.20.09 Central Business District of Title 17 Development Program (Zoning Code) of the City of Burlington

COMMENTS: The City Manager stated that proposed Ordinance amends Section 17.20.09 Central Business District of Title 17 Development Program Zoning Code by prohibiting group living uses in the Central Business District. He stated that the Planning Commission has unanimously recommended the Ordinance, but City

staff has some concerns. The Development Director stated that the concern of staff was prohibiting group living uses, especially a ban of nursing homes and assisted-living facilities. Steve Frevert, Executive Director of Downtown Partners, stated his concern with transient group housing as he would like to see residences that include their own restroom and kitchen facility. Dwight Mulch, Co-Chairperson of Downtown Partners Business Development Board, stated his concern with transient flop housing. Mary Baker of 320 South 6th Street stated that housing is needed for young people. Council Member Davidson stated that he had a problem with rushing in a zoning change, when any type of transient type housing already in progress would still happen. He stated that he was not convinced this was a good reaction. Council Member Fleming stated that it was prudent that the City Council correct and deter transient living. Council Member Murray also stated his concern with transient living, here today and gone tomorrow. Council Member Davidson stated that transient living does not have to be a bad thing. After discussion by the City Council it was decided to close the hearing and bring back an amendment at the September 7, 2010 City Council meeting to allow all group living except boarding and rooming houses. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Murray Seconded By: Fleming

Motion to Close

CARRIED

Introduced By: Murray Seconded By: Fleming

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending

Section 17.20.09 Central Business District of Title 17 Development Program (Zoning Code) of the City of Burlington

DISCUSSION: None.

(VOTE: 4 - AYES MURRAY, REED, ELL AND FLEMING

1- NAY DAVIDSON)

CARRIED

3. Statement: Consideration of Sale of Property Locally Known as 1503 Agency Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The City Manager stated that the City was selling a vacant home at 1503 Agency Street that was acquired at no cost to the City. He stated that there were two parties interested in purchasing the property. He stated that the Resolution would sell the property to the highest bidder. The Development Director presented an aerial view of the property to the City Council and the viewing audience. He stated that the property has been a long standing nuisance

for the City. He stated that this evening he had a couple approach him interested in the property, and also received another bid from Phillip Moore in the amount of \$2,500.00. Phillip Moore of Monmouth, Illinois stated that his business was rehabilitating homes. He stated that he was interested in rehabilitating the property this winter. Don Harter of 1018 Canterbury Drive stated that he was the high bidder until Phillip Moore came to the City Council meeting and submitted a higher bid. He felt that it was not fair that Phillip Moore knew how much he had bid for the property and was able to submit a bid at the last minute. The City Manager suggested that the City Council close the hearing and not act on the Resolution for Sale of Property. He stated that the Development Department could then take sealed bids for the property and award the sale of the property at the September 7, 2010 City Council meeting. Phillip

Moore stated that he did not feel it was fair as he was the highest bidder and that now everyone knows his bid. The City Manager stated that the fair thing to

do was to take sealed bids and award to the highest bidder. The Mayor stated that Don Harter's bid was also made public prior to Phillip Moore making his bid. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Fleming
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Davidson

1. Resolution Amending an Agreement with Howard R. Green Company of Cedar Rapids, Iowa for Engineering Services for the Burlington, Iowa Wastewater Treatment Facility Improvements - 2010, Phase I to Include Phase II, Phase III and Arc Flash Update

DISCUSSION: The City Manager stated that the proposed Resolution amends the agreement with Howard R. Green Company of Cedar Rapids, Iowa for engineering services for the 2010 WWTF Improvements, Phase I to now include Phase II, Phase III and the Arc Flash Update. He stated that the plans and specifications should be ready this Fall to proceed with bidding and construction phases. He reviewed to the City Council and the viewing audience the financial cost and funding of the project. He stated that the WWTF Superintendent was present should the City Council have any questions. Council Member Davidson stated that

the project was expensive. Council Member Reed agreed with Council Member Davidson but stated that the City needed to be in compliance with the State. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Ell Seconded By: Murray

SET DATE FOR PUBLIC HEARING: SEPTEMBER 7, 2010

1. Consideration of an Ordinance Repealing Section 50.06 Penalty and Adopting in Lieu Thereof New Sections 50.06 Loitering and 50.07 Penalty of Chapter 50 Public Peace of the Burlington Municipal Code

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street stated his concern that the City Council was fast tracking the Ordinance on Loitering. He urged the City Council to not set a date for public hearing or to delay the Ordinance as there were other options for dealing with the problem. The City Manager stated that the Ordinance was not on the fast track. He stated that the Police Chief had conversations with business owners the past Spring about problems with people

loitering. He stated that the Ordinance that the Police Chief was using was the Ordinance that Iowa City, Iowa had adopted and that the City Council had discussed the issue in July 2010. He stated that the event that Mr. Shahan was alluding to had just recently happened. He stated that the Ordinance would still have three readings. Council Member Murray stated that public debate on the issue was welcomed. Mayor Ell stated that the Loitering Ordinance would not go through a fast track. 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: Steve Frevert, Executive Director of Downtown Partners, announced that the Capital Theater Foundation had just received notice from the Governor that they would receive \$1,000,000.00 grant for renovation of the Capital Theater. Mary Baker of 320 South Sixth Street stated her appreciation for the new curbs at Sixth Street and Maple Street. She also stated that she had attended the Open House at the Aldo Leopold Middle School and it was beautiful. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:29 p.m.

Approved: September 7, 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 Nuisance Abatements
2. Resolution Approving Purchase of a Backhoe for Street and Sewer Division of Public Works