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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 30
March 21, 2011

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J.

Smith Council Chambers, City Hall with Mayor Ell, Council Members Davidson, Murray and Reed present. Council Member Fleming was absent.

BURLINGTON CITY COUNCIL

PROCLAMATION: Youth Appreciation Week - Nancy Helmick

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: Reed

Seconded By: Murray

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 Davidson 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 an Ordinance Rezoning the Properties Locally Known as 1400 and 1401-1405 Osborn Street from R-3, Two-Family Residential to C-1, Limited Commercial Zoning District as Allowed by Title 17 of the Burlington

Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance Rezoning the Properties Locally Known as 1400 and 1401-1405 Osborn Street from R-3, Two-Family Residential to C-1, Limited Commercial Zoning District as Allowed by Title 17 of the Burlington Municipal Code was a cleanup of the zoning district map. He stated that the Zoning Commission approved the rezoning with a five to zero vote. The Development Director reviewed the details of the Ordinance. He stated that the rezoning was for 1400 Osborn Street, an existing Pawnshop and then the present owners of 1401-1405 Osborn Street plan on selling the property which has been a restaurant/bar in the past. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Murray

Seconded By: Reed

Motion to Close

CARRIED

Introduced By: Murray

Seconded By: Reed

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Properties Locally Known as 1400 and 1401-1405 Osborn Street from R-3,

Two-Family Residential to C-1, Limited Commercial Zoning District as Allowed by Title 17 of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

2. Statement: Consideration of a Permanent Encroachment Agreement between the City of Burlington and CMM, LLC (MacArthur Coffin II) for Encroachment into Front Street Right-of-Way on the East Side of the Building at Lot 41, Original City of Burlington, Iowa

COMMENTS: The City Manager stated that Frank Millard Company was expanding their business at Front Street and Market Street. He stated that they were requesting a permanent encroachment agreement for stairs into the Front Street right-of-way for entrance into their building. The Development Director reviewed with the City Council and the viewing audience the proposed encroachment. He stated that there were no concerns by staff for the proposed encroachment. Council Member Davidson asked the Development Director if the business was ever sold, if the encroachment would end. The Development Director stated that the new owners would need to reapply for the encroachment. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Reed
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Murray
Resolution Approving a Permanent Encroachment Agreement between the City of Burlington and CMM, LLC (MacArthur Coffin II) for Encroachment into Front Street Right-of-Way on the East Side of the Building at Lot 41, Original City of Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

ADOPTED

COMMENTS FROM AUDIENCE: A concerned citizen urged the City Council to build a facility in the park that is family oriented, which could be used by all children, even those with special needs. Steve Frevert of 1717 South Main Street and Chairperson of the Historical Preservation Commission presented an overview of what the Historical Preservation Commission has accomplished and plans to accomplish. Those who spoke against closing the Dankwardt Park Swimming Pool were as follows: Elizabeth Tynan, Ann Distelhorst of 238 South 6th Street, Lyn Parks, Kevin Kesling of 1707 South 13th Street, Deanne Kafka of 1512 Navajo Street, Bill White of 416 Maple Street, Trisha Lake of 1513 Navajo Street, Tim Malm, Vicki Woods of 2101 Madison Avenue and Paula Renner of 1402 Locust Street.

Many of those who spoke stated that they have received \$2,100.00 in pledges in a 2-hour period and they felt that they would be able to receive pledges of \$23,000.00 during the next 2-months. They felt that the pool has not been marketed well in the past and that they would be able to market the pool effectively. They urged the City Council to open the pool for the summer while they take pledges. The City Manager stated that the pool will need to close in four to five years due to the condition of the pool. He stated that the factors for closing the pool include the condition of the pool, a pump would need to be

replaced at \$5,500.00 prior to start-up, attendance has dropped, loss has climbed to \$40,000.00 yearly. He stated that it makes financial sense to cut the pool from the budget. He stated that to find \$15,000.00 in the budget would mean a reduction in services, which will end up being controversial. He reminded those in attendance that rebuilding the pool would require 60% voter approval. He further stated that time was running out in purchasing the pump and hiring lifeguards. Council Member Reed stated that he supported the pool and the efforts of those involved in keeping the pool open. He stated that it was a quality of life issue. He stated that he would like to give them a time-frame to raise money to keep the pool open. Council Member Murray stated that the City Council needed to have faith in the people that they will market and raise the necessary funding to keep the pool open. Mayor Ell stated that the pool was a poor business venture as there is a yearly operating loss. He stated that his heart says to trust the citizens that they can raise the needed support for the pool. He stated that next year there will need to be more cuts made due to police and fire retirement increases. Council Member Davidson stated that there needed to be a time commitment for those collecting funding for the pool. He further stated that he was not willing to have the City Manager search the budget line item by line item again looking for funding for the pool. Mayor Ell stated that the issue will be discussed at their March 28, 2011 Work Session. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:53 p.m.

Approved: April 4, 2011

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 Renewal of Taxi Cab/Vehicle for Hire License for Robyn Canova dba/A2Z Taxi & Delivery Service
2. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Jon Salvador dba/Executive Transportation
3. Resolution Authorizing the Filing of an Application for Funds from the Iowa Department of Economic Development's Neighborhood Stabilization Program in the Amount of \$495,550.00 for Down Payment Assistance, Redevelopment, and Demolition of Abandoned and Foreclosed Homes

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of an Ordinance Amending Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code (April 4, 2011)
2. Consideration of an Ordinance Amending Various Sections of Chapter 155, International Building Code of the City of Burlington Municipal Code (April 4, 2011)
3. Consideration of an Ordinance Amending Various Sections of Chapter 156, International Existing Building Code of the City of Burlington Municipal Code (April 4, 2011)
4. Consideration of an Ordinance Amending Various Sections of Chapter 157, Electrical Code of the City of Burlington Municipal Code (April 4, 2011)
5. Consideration of an Ordinance Amending Various Sections of Chapter 158, Plumbing Code of the City of Burlington Municipal Code (April 4, 2011)
6. Consideration of an Ordinance Amending Various Sections of Chapter 159, Mechanical Code of the City of Burlington Municipal Code (April 4, 2011)

7. Consideration of an Ordinance Repealing Chapter 164, Fuel Gas Code of the City of Burlington Municipal Code and Adopting a New Chapter 164, Energy Conservation Code of the City of Burlington Municipal Code (April 4, 2011)

8. Consideration of Annual Consolidated Transit Funding Application (April 18, 2011)

APPOINTMENTS:

Civil Service Commission: Kimberly Hunsaker and Tracy McCampbell

Flint Hills Golf Course Advisory Committee: Jon Billups and Nelson Showalter