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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 31
April 4, 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, Fleming, Murray and Reed present.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * Teach Children to Save Day - C. E. Walsh, Vicki Bredar, Grace Breuer, Danny Topping, Mary Heald, Drake Brenneman, Lauryn Wagner and Logan Ziegler
- * Equal Pay Day - Shelly Ward
- * Iowa Severe Weather Awareness Week - Gina Hardin
- * Library Week - Rhonda Frevert
- * Earth Day - Eric Larson

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: Reed

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. 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 Various Sections of Chapter 154, Residential Code of the City of Burlington Municipal Code

COMMENTS: The City Manager stated that the Development Director would review the seven proposed Ordinances at one time. The Development Director stated that the

City updates various Codes every three years. He stated that the City was behind in updating the Codes due to waiting for the State of Iowa to decide which portions of the updated Codes they would make mandatory. He stated that the City has exempted the requirement of sprinklers in the Residential Code. 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: Reed
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Various Sections of Chapter 154, Residential Code of the City of Burlington
Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

2. Statement: Consideration of an Ordinance Amending Various Sections of Chapter
155, International Building Code of the City of Burlington Municipal Code

COMMENTS: None.

Introduced By: Murray Seconded By: Fleming
Motion to Close

CARRIED

Introduced By: Murray Seconded By: Davidson
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Various Sections of Chapter 155, International Building Code of the City of
Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

3. Statement: Consideration of an Ordinance Amending Various Sections of Chapter
156, International Existing Building Code of the City of Burlington Municipal Co
de

COMMENTS: None.

Introduced By: Reed Seconded By: Fleming
Motion to Close

CARRIED

Introduced By: Reed Seconded By: Murray
Motion for Preliminary Adoption of the First Reading of Ordinance Amending
Various Sections of Chapter 156, International Existing Building Code of the
City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

4. Statement: Consideration of an Ordinance Amending Various Sections of Chapter
157, Electrical Code of the City of Burlington Municipal Code

COMMENTS: None.

Introduced By: Reed Seconded By: Fleming
Motion to Close

CARRIED

Introduced By: Reed Seconded By: Murray
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Various Sections of Chapter 157, Electrical Code of the City of Burlington
Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

5. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 158, Plumbing Code of the City of Burlington Municipal Code

COMMENTS: None.

Introduced By: Fleming Seconded By: Davidson
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Murray
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 158, Plumbing Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

6. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 159, Mechanical Code of the City of Burlington Municipal Code

COMMENTS: None.

Introduced By: Fleming Seconded By: Davidson
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Murray
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 159, Mechanical Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

7. Statement: 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

COMMENTS: None.

Introduced By: Davidson Seconded By: Fleming
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Murray
Motion for Preliminary Adoption of the First Reading 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

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

ORDINANCE:

Introduced By: Davidson Seconded By: Reed

1. Motion to Amend the Motion for Preliminary Adoption of the Second 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: The City Manager stated that there were no changes to the 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 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: Davidson Seconded By: Murray

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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: 5 - â AYESâ)

CARRIED

COMMENTS FROM AUDIENCE: Ann Distelhorst of 238 South 6th Street stated that the City Council had challenged the recently organized Dankwardt Park Ad Hoc Committee to raise funds to keep Dankwardt Park pool open. She stated that in the past two weeks they have collected in cash, checks and pledges \$23,909.89. She stated that they have recently received two large pledges. She stated that they have also sold 18 season passes. Mayor Ell stated that there are three Council Members in favor of keeping the pool open. He reminded those present that the pool will only be kept opened this year as next year the City will be financially strapped again. He urged Ann Distelhorst to make arrangements with the City Manager on how to transfer the funds to the City for funding of the pool. Council Member Davidson thanked all who have given money toward the pool.

Council Member Reed congratulated the Committee for raising the needed funds in only a 2-week period. Council Member Murray thanked the public that gave toward the pool as they have faith in Burlington during these hard economic times. Tom

Green of 5763 Hartman Road stated that this past weekend the Rotary, Kiwanis, Lions and Optimists had a work day where they cleaned up the Hwy. 34 interchange. He stated that the Parks Department had trimmed branches on the trees and shrubs that had grown up. He stated that those who volunteered cleaned up 14-bags of trash. Mayor Ell thanked those who helped with the cleanup. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:26 p.m.

Approved: April 18, 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

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Nuisance Abatement
2. Resolution to Amend the MidAmerica Administrative and Retirement Solutions, Inc., Health Reimbursement Arrangement
3. Resolution to Amend and Restate the MidAmerica Administrative and Retirement Solutions, Inc., Health Reimbursement Arrangement
4. Resolution Approving Renewal of Three Year Lease Agreement for the Operation of the Iowa Store Located in the Port of Burlington Welcome Center

SET DATE FOR PUBLIC HEARINGS: APRIL 18, 2011

1. Consideration of Plans and Specifications for the 2011 Ongoing Sealcoat Reclamation Project
2. Consideration of Sale of Property Locally Known as 1613 Lincoln Street, City of Burlington, Des Moines County, Iowa