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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 33
May 2, 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:

Police Week - Dan Luttenegger
Historic Preservation Month - Steve Frevert
A Day of Prayer - Sam Fratt

PRESENTATION: Community Vision Update - Matt Shinn

DISCUSSION: Mayor Ell announced that the presentation on the Community Vision Update by Matt Shinn will be rescheduled for the May 16, 2011 City Council Meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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

(VOTE: 5 - AYES) CARRIED

HEARING:

1. Statement: Consideration of an Ordinance Amending Chapter 162 Fire Prevention Code of the Burlington Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance Amending Chapter 162 Fire Prevention Code of the Burlington Municipal Code provides for a minor amendment, which replaces Appendix D to the 2009 Fire Code. He stated that the present Fire Code requires that on a cul-de-sac properties have sprinklers. The change would now require that a cul-de-sac where there are 30 or fewer units

would not require sprinklers. He stated that the change is consistent with the current Fire Code and also with what other communities are doing. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming Seconded By: Reed

Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Davidson

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Chapter 162 Fire Prevention Code of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Reed

Seconded By: Murray

1. Resolution Approving Final Plat of Lot 1, W. Cook Subdivision

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Reed

Seconded By: Murray

2. Resolution Approving Final Plat of Z & K Subdivision

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Murray Seconded By: Fleming

3. Resolution Awarding Contract for the Burlington Wastewater Treatment Facility

Improvements 2010

DISCUSSION: Garry Thomas of 910 South 12th Street asked for a brief overview of the project. The City Manager stated that the proposed Resolution awards contract for the Burlington Wastewater Treatment Facility Improvements 2010 to Leander Construction, Inc., the low bidder, in the amount of \$6,239,170.00. He stated that the project included modifications at the WWTF, converting the existing aerobic digester to an anaerobic and the construction of new clarifiers. He stated that it would also address concerns by the DNR regarding sludge. He further stated that it will also increase the capacity of the plant.

Mayor Ell stated that the WWTF needs updating, but most of the improvements are

due to the DNR. The City Manager stated that the DNR has asked the City a year ago to submit plans for correcting the problems at the plant. Stan Stratton of 2809 Shamrock Drive stated that he thought the City had already spent money on tanks at the WWTF a couple of years ago to alleviate problems at the WWTF. The City Manager stated that the purchase of the equalization tanks was a part of the collection system, whereas these improvements are a part of the treatment portion of the system. Stan Stratton questioned the City Council if it was a good time to spend \$6,239,170.00. Mayor Ell stated that the DNR is requesting the City make these improvements. Council Member Davidson asked if the City has

received a construction permit. The City Manager stated that a construction permit was just received today from the DNR. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Murray Seconded By: Fleming

4. Resolution of Support for Animal Control Center Improvements

DISCUSSION: The City Manager stated that the proposed Resolution of Support for

the Animal Control Center Improvements was a result of the last City Council Work Session. He stated that the proposed Resolution pledges support toward the remodeling and expansion of the Animal Control Center and further pledges to pay for half of the cost of the project up to an amount of \$500,000.00. Mayor Ell read a memo from the City Manager comparing money that the City presently spends on the Animal Control Center with the Humane Society verses if the City had to operate the facility on its own. He stated that the costs would be much higher if the City had to operate the facility on its own. Those who spoke against the

improvements were as follows: Stan Stratton of 2809 Shamrock Drive and Ellen Fuller of 420 South Garfield Street. Stan Stratton stated it was terrific what the Humane Society is doing, but he did not feel they needed to spend \$1,000,000.00 for an extravagant building. Ellen Fuller stated that the City gave the Public Library only \$700,000.00 toward the construction of the new \$10,500,000.00 library and now they are offering to pay half of the cost of the Animal Control Center improvements up to \$500,000.00. She felt that it should be a more similar funding ratio. Those who spoke in support of the Animal Control Center Improvements were as follows: Nancy Gutman of 2016 Baumberger Street, Eric Benne of the Humane Society, Garry Thomas of 910 South 12th Street,

Ann Peters from the Human Society, Barbara Roberts of 119 North Third Street, Ann Distelhorst of 238 South 6th Street, Don Allgood, Karen Waldorf of 801 Terrace Drive, Holly Gutman, Kirby Corrick of 424 North 3rd Street and Kate Pierson. Garry Thomas of 910 South 12th Street and Ann Distelhorst of 238 South

6th Street urged the City Council to be as generous to the Dankwardt Park pool in the future. Many of those who spoke in favor of the improvements stated that

the present facility was small, they were cramped, and there was poor ventilation. It was also stated that 2,400 animals passed through the center last year and they served 1,200 families. Council Member Reed stated that the partnership between the City and the Humane Society was a win-win and reminded the City Council that they were building for the future. Council Member Murray stated that he has adopted three animals from the Animal Control Center and he felt he owed it to his pets to support the improvements. Council Member Fleming

announced he had a cat and that he was very impressed with the Humane Society and felt it was the City's obligation to support their own property. Council Member Reed reminded everyone that bids still need to be taken and that if the low bid is way more than \$1,000,000.00 the City gets a good deal and if it is way under the City still gets a good deal. Mayor Ell also gave his support for the project. Council Member Davidson stated that he supports renovating the shelter, but felt that \$500,000.00 was too high of a commitment for the City. He made a motion to amend the Resolution of Support for Animal Control Center Improvements by the City Paying One-Third (1/3) of the Cost of the Project, up to \$300,000.00. The motion died for a lack of a second. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES Ell, Fleming, Murray and Reed
1- NAY Davidson) ADOPTED

Introduced By: Davidson Seconded By: No Second
5. Motion to Amend the Resolution of Support for Animal Control Center Improvements by the City Paying One-Third (1/3) of the Cost of the Project, up to \$300,000.00

DISCUSSION: None.

DIED DUE TO NO SECOND

COMMENTS FROM AUDIENCE: Garry Thomas of the South Hill Neighborhood Association spoke about upcoming events that the Association was having. He thanked the City Council and the citizens for their support. Libba Flores of 1448 West Avenue thanked the Council for their vision of the Animal Shelter. Tom Schnirring thanked the City Council for their support over the years for the Animal Shelter. All present had opportunity to speak and nothing additional was

filed in the office of the City Clerk.

Adjournment: 7:57 p.m.

Approved: May 16, 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 Nuisance Abatements
2. Resolution Authorizing a Contract Amendment Between the City of Burlington and the Southeast Iowa Regional Planning Commission (SEIRPC) to Complete Administration for the Neighborhood Stabilization Program

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of Plans and Specifications for the 2011 Sunnyside Sidewalk Extension to Aldo Leopold Middle School (May 16, 2011)
2. Consideration of Budget Amendment for Fiscal Year 2010-2011 (May 16, 2011)
3. Consideration of Sale of Property Locally Known as 1507 Thul Street, City of Burlington, Des Moines County, Iowa (May 16, 2011)
4. Consideration of an Ordinance Vacating and Selling a Portion of the Alley Located Between Spring and Arch Streets and between North 8th and North 9th Streets (May 16, 2011)
5. Consideration of Voluntary Annexation of Territory (10372 Florence Avenue) (June 6, 2011)