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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 41
September 6, 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. Mayor Ell announced that City Manager Worden and City Council Member Reed would not be present at the meeting.

BURLINGTON CITY COUNCIL

BURLINGTON STEAMBOAT DAYS PRESENTATION

PROCLAMATION: Library Card Sign Up Month - Rhonda Frevert

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: Fleming

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 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Murray

1. Resolution Awarding Contract for Construction Observation of the Flint River Trail for Phases II and IV

DISCUSSION: The Planning and Development Director stated that the proposed Resolution awards contract to French-Reneker and Associates to provide construction engineering for the northern portion of the Flint River Trail. He stated that the IDOT requires that the City provide a construction engineer on site for the project. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ)

ADOPTED

Introduced By: Davidson Seconded By: Murray

2. Resolution Approving Final Plat of South Ridge Subdivision

DISCUSSION: The Planning and Development Director stated that the proposed Resolution approves the final platting of 1-lot for South Ridge Subdivision, located across from Black Hawk Elementary School and South 14th Street. He stated that previously the City Council had approved the 17-lot Preliminary Plat

of South Ridge Subdivision. He stated that the property is actually owned by a church, so approving the 1-lot subdivision allows the subdivider to take ownership of the lot. He stated that later a final plat of the 17-lot subdivision with the street will come at a later date. He explained that the developers can start working on the infrastructure, but they would need to come back for final plat approval after they build one home. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

COMMENTS FROM AUDIENCE: Stan Stratton of 2809 Shamrock Drive stated his displeasure with the washed-out area behind his home and asked what the City

was going to do about it. Mayor Ell stated that he has talked with City Engineer Steve Hartman and there is nothing the City can do. Stan Stratton stated that he would like the broken pipe replaced. Council Member Davidson stated that the City has to take the advice of their professional Engineer. Council Member Murray suggested that Stan hire a professional engineer to assess

the washed out area. Stan Stratton also stated that there were dead trees in the washed out area that need to be removed. He also asked when the stop lights

at Corse Street and Sunnyside Avenue would be removed. Mayor Ell stated that he

would let the City Manager know about the trees that have died. City Council Member Davidson stated that the City was leaving the stop lights at Corse Street

and Sunnyside Avenue for now and that they would eventually be removed.

Robert Ghrist of 1616 Dodge Street stated that on August 11, 2011 a car came down his one-way street the wrong way hit his vehicle. He stated that the driver was wearing no seat belt, had no plates on the vehicle and also had no insurance. He stated that the Police did not issue any tickets or arrest the person. He further stated that 45 minutes later the same driver drove his vehicle inside the Keystone building. He stated that he found out that earlier the driver had driven his vehicle into a fence on Mason Road. The Police Chief stated that police officers use their discretion as to what charges they choose.

He further stated that the Police Department does not make arrests for traffic charges. Becky Anderson of 218 South 6th Street stated that she felt the City Manager knew that SHIPO had questions about Cascade Bridge, but neglected to inform Council. She stated that this needed to be brought up when the City Manager has his next review. She further stated that the City cannot afford \$9,600,000.00 for a new Police Station at this time. She suggested that the City spend money and shore up the failing wall until the City can afford a new Police Station. She also stated that the City's budget was not available online. Mayor Ell stated that he knew about the SHIPO issue so he was not surprised about it, just disappointed that it will delay the project. Becky Anderson stated that local preservationists had previously requested the study be done over a year ago. She further stated that she is not sure the entire City Council knew about the SHIPO issue. She stated that she hoped the City did

not lose the \$1,000,000.00 grant because the study had not previously been done.

Mayor Ell stated that when SHIPO steps in then the \$1,000,000.00 grant is extended. Council Member Davidson stated that he assumed since the City had received the grant that the study was not necessary. He further stated that the

City needs to look at all funding options for the Police Station. Stan Stratton

of 2809 Shamrock Drive stated that he was opposed to replacing Cascade Bridge.

He urged the City Council to place the Cascade Bridge and the new Police Station issue up to the voters at the next election. Heather Harrington of 401 South 8th Street stated that the evening of September 2, 2011 her son was jumped by a group of 10-15 African American teenagers. She stated that she had called the Police Department and filed a police report. She stated that the teenagers had posted the video and comments on Facebook. She stated that she has saved the video as it has since been removed from Facebook. She stated that her son is scared to walk to the High School. She stated that on September 1, 2011 a younger son was knocked off of his bike by the same teenagers. She stated her concern that the Police Officer has not followed up with her. Chief Luttenegger

explained that Police Officers work 12-hour days, then they are off for several days. He stated that three to four days for that type of investigation is normal. He encouraged her to contact the Police Department, if she does not hear back from the Police Officer that was involved in the incident. Leesa Humphrey of 2846 Sunnyside Avenue stated that there needs to be more than one officer on the case. Becky Shockley of 501 North 5th Street stated that the City Manager had scheduled a meeting with local developers today and then 30-minutes prior to the meeting he sent an e-mail that he would be starting his vacation early and he would be cancelling the meeting. She stated that she felt

that it was very unprofessional of the City Manager to cancel the meeting on such short notice. She stated that downtown Dubuque has many older buildings and that their City was more flexible on Codes to make it happen than Burlington. Mayor Ell stated that the City uses the same codes that have been adopted by other Cities in Iowa and are written by the International Code Council. Becky Shockley stated that she would like to see the Inspectors have more flexibility to work within the Code. Council Member Fleming stated that the City was still planning on having a meeting with the City Inspectors and the

developers with the City Council present to observe. Becky Anderson stated that she also went to the meeting today along with several others and she felt that the City Manager blew them off today by not attending the meeting. Council

Member Davidson stated that the Senior Center recently received their gaming license and are playing bingo again. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:35 p.m.

Approved: September 19, 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

RESOLUTION:

1. Resolution Lowering the Weekday Special Price at Flint Hills Municipal Golf Course

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of an Ordinance Amending Section 17.20.09 Central Business District of Title 17, Development Program (Zoning Code) of the City of Burlington Municipal Code(September 19, 2011)

2. Consideration of a Permanent Encroachment Agreement Between the City of Burlington and Bangert Brothers LLC for Encroachment into North 5th Street Right-of-Way at 425 Valley Street, Burlington, Iowa (September 19, 2011)

3. Consideration of an Ordinance Rezoning the Properties Locally Known as 2270 and 2280 Florence Avenue to Include a Planned Unit Development (The Masters PUD)

Overlay Zone as Allowed by Section 17.20.40 of Title 17 of the Burlington Municipal Code (October 3, 2011)

4. Consideration of an Ordinance Amendment to the Sunrise West Planned Unit Development (PUD) Overlay District, by Making Changes to Section 4. Land Use Requirements of the Burlington Municipal Code (October 3, 2011)

APPOINTMENTS:

Low Rent Housing Board: Reva Housewright

City Planning Commission: Thomas Buckman