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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 45
November 7, 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 and Murray present. Mayor Ell announced that Council Member Reed would not be able to attend the meeting.

BURLINGTON CITY COUNCIL

CERTIFICATES OF RECOGNITION:

Frank Guihan, Firefighter, 30 Years of Service
Kenneth Morris, Battalion Chief, 30 Years of Service

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. 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 Plans and Specifications for the Animal Control Center Remodel and Expansion

COMMENTS: The City Manager stated that it was the City Council's goal several years ago to improve the Animal Control Center. He stated that the City has partnered with the Des Moines County Humane Society for the project. He stated that Massimo Max Bianchini, of ARC Architects was present should the City Council have any questions. Eric Benne, representing the Des Moines County Humane Society, presented the history of the project to the City Council and viewing audience. He urged the City Council to stop and view the present facility that was deteriorating due to 30-years of dogs and cats going through the building. He stated that a new facility was needed for the following reasons: outgrown the present facility; health and safety issues due to ventilation and lack of filtration; no room for vicious animals; one room is used for many daily tasks and no future planning area. He stated that the proposed facility is close to double the size of the present facility. Max Bianchini, the Architect, presented the drawing of the new facility which will be more energy efficient. He further reviewed the plans and specifications with

the City Council and viewing audience. Eric Benne stated that the Humane Society was looking at a temporary location during the construction of the new facility. He stated that approximately \$470,000.00 has been raised so far. Council Member Fleming stated that the present facility was too small. Mayor Ell stated that the present facility was a City-owned building and the City has an entity that wants to pay half of the new facility. He stated that it was a wise investment for the City. Council Member Murray read a prepared statement from Council Member Reed in favor of moving forward as the present facility was too small and had poor air quality. Council Member Murray stated that he continues to be enthusiastically supportive of the project. 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

2. Statement: Consideration of an Ordinance Rezoning the Property Locally Known as 903 Oak Street from R-3, Two-Family Residential to C-1, Limited Commercial Zoning District with a Planned Unit Development (PUD) Overlay Zone

COMMENTS: The City Manager stated that the proposed Ordinance Rezoning the Property Locally Known as 903 Oak Street from R-3, Two-Family Residential to C-1, Limited Commercial Zoning District with a Planned Unit Development (PUD) Overlay Zone, which formerly was Oak Street Middle School for use as a medical clinic. The Planning and Development Director stated that Burlington Community School District has received a purchase agreement for the property subject to the rezoning. Council Member Davidson stated that he was happy to see the property purchased. Council Member Fleming agreed with Council Member Davidson.

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

Introduced By: Davidson Seconded By: Murray
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Fleming
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the Property Locally Known as 903 Oak Street from R-3, Two-Family Residential to C-1, Limited Commercial Zoning District with a Planned Unit Development (PUD) Overlay Zone

DISCUSSION: None.
(VOTE: 4 - AYES)

CARRIED

3. Statement: Consideration of an Ordinance Rezoning the Properties Locally Known as 1819 and 1820 Charles Street from C-2, General Commercial to M-1, Light Industrial Zoning District

COMMENTS: The Planning and Development Director stated that the proposed Ordinance Rezoning the Properties Locally Known as 1819 and 1820 Charles Street from C-2, General Commercial to M-1, Light Industrial Zoning District was a cleanup item. He stated that both properties were a non-conforming use and have been a long-standing commercial facility. He stated that the rezoning would bring the properties from non-conforming use to conforming use status. All

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

Introduced By: Fleming Seconded By: Murray
Motion to Close

CARRIED

Introduced By: Fleming Seconded By: Davidson
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezon-
ing
the Properties Locally Known as 1819 and 1820 Charles Street from C-2, General
Commercial to M-1, Light Industrial Zoning District

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

4. Statement: Consideration of an Ordinance Amending Section 17.75.104 Dist-
rict
Signage Regulations of Title 17, Development Program (Zoning Code) of the City
of Burlington Municipal Code

COMMENTS: The City Manager stated that the proposed Ordinance would allow for a
flashing message board in a residential area. He stated that a local church has
made the request. He stated that the City Planning Commission voted 0-4 against
the Ordinance, so it will require a super majority (4-ayes) for the Ordinance to
be approved. Jeff Darnall, representing the church, stated that their current
sign was hard to change and this will be easier to change. He stated that the
sign would not be big. Council Member Fleming and Council Member Davidson
stated they were in favor of the Ordinance. The Planning and Development
Director stated that most small churches would not be able to have a flashing
message board due to restrictions from a residence. Council Member Murray asked
the Police Chief if flashing message boards create a traffic hazard. The Police
Chief stated that he was unaware of any accident caused by a flashing message
board. All present had opportunity to speak and nothing additional was filed in
the office of the City Clerk.

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 Ame-
nding
Section 17.75.104 District Signage Regulations of Title 17, Development Program
(Zoning Code) of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

5. Statement: Consideration of Sale of Property Locally Known as 3003 Flint
Hills Drive, City of Burlington, Des Moines County, Iowa

COMMENTS: The City Manager stated that the proposed Resolution provides for the
sale of property locally known as 3003 Flint Hills Drive, which was an abandoned

property the City acquired from the Court. The Planning and Development Director stated that the City sold the property by a realtor and the purchaser was going to occupy and rehabilitate the property. He further stated that the \$9,500.00 that the City was receiving for the purchase of the property would be placed in the City's demolition fund. 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: Davidson
Resolution Approving Sale of Property Locally Known as 3003 Flint Hills Drive,
City of Burlington, Des Moines County, Iowa

DISCUSSION: None.
(VOTE: 4 - AYES)

ADOPTED

RESOLUTION:

Introduced By: Murray Seconded By: Davidson

1. Resolution Accepting Armory from State of Iowa, Department of Public Defense

DISCUSSION: The City Manager stated that the proposed Resolution provides for the acceptance of the Armory from the State of Iowa, Department of Public Defense. He stated that the cold storage building would be used by the Police Department for evidence. He stated that there were four people interested in the Armory building. Shane McCampbell of 109 Indian Terrace asked the cost of the Armory. The City Manager stated that it was free to the City. Ned Fry, representing the Armory, stated that the original deed stated that the land was given by the City and it would need to be given back to the City if not being used by the Army. He stated that the Armory's roof will need repairs where the classrooms were located. Leon Shahan of 1821 Mt. Pleasant Street questioned if the main structure should be torn down prior to the City receiving the property.

Tim Scott of 2017 South 15th Street questioned if the Airport Authority would want the City to give them additional money since the City may not be leasing space from the Airport for storage. Jeff Davis stated that he hoped the area would be cleaned as people fly into the Airport and that it is their first impression of Burlington. Council Member Murray stated that he did not want a white elephant building that the City cannot get rid of. He asked Ned Fry

if the roof could be fixed prior to the City receiving the property. Ned Fry stated that he would check and get back to the City Manager. 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: Tim Scott of 2017 South 15th Street suggested that the church that would like to put up an automated sign could go through the special use permit, that way all the neighbors would be notified. He also stated that the City's mission for the Animal Control Center should be animal control and the Humane Society's mission should be animal adoption. He stated that the City

needed to look at reducing the animal population. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

CITY MANAGER SEARCH: Council Member Davidson suggested that each Council Member give their top three choices for search firms that they want to interview. After the Mayor and City Council gave their top three choices, including Council Member Murray who gave the top three choices from Council Member Reed, the final result was Snyder and Associates received 5-votes, Brimeyer Fursman, LLC received five-votes, Vorhees and Associates received three-votes and Mercer received two-votes. It was then decided to hold the interviews on Monday, November 14, 2011 at 4:30 p.m., in the Thomas J. Smith Council Chambers for Brimeyer Fursman, LLC and Vorhees Associates, LLC and on November 17, 2011 interview Snyder and Associates at the same location and time. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:50 p.m
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Approved: November 21, 2

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 for Various Properties
2. Resolution Approving Purchase of a 2011 International 7400 SFA 4x2 Dump Truck for Public Works, Street and Sewer Division
3. Resolution Approving the General Administration Contract with the Southeast Iowa Regional Planning Commission for Administration of the Owner Occupied Rehab Grant Received by the City of Burlington, Iowa from the Iowa Department of Economic Development
4. Resolution Approving the General Administration Plan for Administration of the Owner Occupied Rehab Grant Received by the City of Burlington, Iowa from the Iowa Department of Economic Development

SET DATE FOR PUBLIC HEARINGS: NOVEMBER 21, 2011

1. Consideration of an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2010 Addition to the Flint Hills Urban Renewal Area of the City of Burlington, Iowa, Pursuant to Section 403.19 of the Code of Iowa
2. Consideration of a Loan Agreement in a Principal Amount not to Exceed \$6,390,000
3. Consideration of Sale of Property Locally Known as 1606 South Street, City of Burlington, Des Moines County, Iowa
4. Consideration of Sale of Property Locally Known as 1432 Cleveland Street, City of Burlington, Des Moines County, Iowa

APPOINTMENTS:

Waterworks Board of Trustees: Jon Hart
Comprehensive Plan Advisory Committee: Bryan Bross, Tom Buckman and Bill Ell