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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 9
May 7, 2012

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor Davidson, Council Members Anderson, Fleming, McCampbell and Reed present.

BURLINGTON CITY COUNCIL

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION OF RETIREMENT:

Dan Deal, WWTF Operator

PROCLAMATIONS:

Building Safety Month - Eric Tysland
Historic Preservation Month - Steve Frevert
Police Week - Police Chief Luttenegger
National Association of Letter Carriers and Local #222 Day - Kathleen Hemmesch

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: Fleming Seconded By: Reed

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Davidson reviewed the items listed on the consent agenda to the viewing audience. Tim Scott of 2017 South 15th Street requested the removal of the Resolution Accepting Armory from State of Iowa from the Consent Agenda for discussion at the close of the meeting. 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 Rezoning Property Locally Known as 514-516 South 6th Street from R-4, Multi-Family Residential to C-2, General Commercial Zoning District

COMMENTS: The Planning and Development Director stated that the proposed Ordinance rezones property locally known as 514-516 South 6th Street from R-4, Multi-Family Residential to C-2, General Commercial Zoning District. He stated that the property was vacant and now a business wishes to use the building for storage. He stated that the property had previously been used as commercial, but the property had lost its non-conforming status. Georgette Allen of 303 South 6th Street stated that she was opposed to the property being used as a commercial property. Council Member Anderson stated that the property was

formerly used as a welding shop. Robin Canova-Septer stated that her business, A2Z Taxi and Delivery, is presently located at Fairway Center and she needed to relocate her business as she needed to have a building to dispatch her cars. She stated that she plans on installing flood lights to help light up the property and reduce crime in the area. She stated that she has started picking up trash and mowing the property. She further stated that she would be storing her taxis at the property. Council Member McCampbell stated that he was glad that Robin Canova-Septer was able to find a new location for her business. Ron Brozene of Plank Road urged the Council to approve the rezoning to get the property back on the tax rolls. Don Harter stated that the property should be commercial and he thought the location was a good idea. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming
Motion to Close

Seconded By: Reed

CARRIED

Introduced By: Fleming
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning
Property Locally Known as 514-516 South 6th Street from R-4, Multi-Family Residential to C-2, General Commercial Zoning District

Seconded By: Reed

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: McCampbell

Seconded By: Fleming

1. Resolution Approving Fees for Environmental Nuisances of the City of Burlington, Iowa

DISCUSSION: The Planning and Development Director stated that currently the fee charged by the City for environmental nuisances abated was \$50.00. He stated that under the new schedule the fee for nuisance abatement upon completion of abatement would be \$25.00 with an additional nuisance abatement fee of \$25.00, if not paid prior to being filed with the City Council for a total of \$50.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Anderson

Seconded By: Fleming

2. Resolution Awarding Contract for the Design and Construction Observation of the Phase I Approach of the Flint River Trail

DISCUSSION: The Planning and Development Director stated that the proposed Resolution awards contract for the design and construction observation of the Phase I Approach (from behind Big Muddyâ s to Highway 99) of the Flint River Trail to French-Reneker and Associates, Inc. for \$20,000.00. He stated that French-Reneker and Associates, Inc. had previously designed Phase II and IV. He

stated funding was from a Department of Natural Resources REAP Grant. Mayor Davidson stated that he had been at the Ribbon Cutting of the trail that has recently opened, which he felt was quite the addition to the City. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

ORDINANCE:

Introduced By: Reed

Seconded By: McCampbell

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating Various Portions of Streets and Alleys in Maplelawn Addition

DISCUSSION: The Planning and Development Director stated that the proposed Ordinance vacates various portions of streets and alleys in Maplelawn Addition.

He stated that Maplelawn Addition subdivision was partially located within the limits of the Southeast Iowa Regional Airport. He stated that during a title opinion on the property it was noted that there were a few right-of-ways that were not vacated and still existed on paper. Stan Stratton of 2809 Shamrock Drive asked who would own and take care of the property. The Planning and Development Director stated that the property was owned by the Airport and the Airport would be taking care of the property. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Reed

Seconded By: Fleming

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Vacating Various Portions of Streets and Alleys in Maplelawn Addition

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

RESOLUTION:

Introduced By: Reed

Seconded By: McCampbell

1. Resolution Accepting Armory from State of Iowa

DISCUSSION: Tim Scott of 2017 South 15th Street stated that he had not heard what the City's intention for the property and what impact it would have on the

City's budget. Dan Luttenegger, Police Chief stated that the large 6-bay building would be used by Public Works and Parks Department for storage and the outbuilding to the north would be used by the Police Department for storage. He

stated that the front building roof has been fixed prior to the City's possession and the boiler needs to be replaced. He stated that there would be minimal utility cost to the City. Tim Scott asked if the Armory building would be available for public use. The Police Chief stated that the Humane Society would be temporarily using the Armory for the Animal Shelter during construction. Stan Stratton of 2809 Shamrock Drive asked how long the dogs would be at the Armory and who would pay to get the building workable as a temporary Animal Shelter. The Police Chief stated that the Humane Society would

pay to get the building ready and they would be there until approximately October 2012. Council Member Reed stated that the City was looking at leasing the Armory building to different organizations. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

COMMENTS FROM AUDIENCE: The following citizens spoke in favor of either rehabilitating or constructing a new Cascade Bridge: Scott Smith of 2807 South Main Street; Carlo Capdevila of 2835 South Main Street; Jerry Parks of 2729 South Main Street; Lyn Parks of 2729 South Main Street; Steve Rolland of Burlington; Bob Glaser of 2525 Sunnyclyff Estates; Julie Bowers of Grinnell, Iowa; Ed Whitmore of 1020 North 6th Street and Terry Arellano of 2800 South Main Street. Mayor Davidson stated that the City Council would be discussing Cascade

Bridge at their next Work Session on May 14, 2012. Leon Shahan of 1821 Mt. Pleasant Street stated that the new City Manager has brought to light what he has been saying for the past 10 years. He stated that the City cannot spend \$3,000,000.00 for Cascade Bridge as the City will be bankrupt. Tim Scott of 2017 South 15th Street stated that he felt the City was far from being bankrupt.

He stated that the developer still has not constructed sidewalks in Mason Meadows Subdivision. Dan Luttenegger, Police Chief, stated that October 1, 2012

was the deadline to get the sidewalk constructed in Mason Meadows Subdivision. Mary Baker of 320 South 6th Street gave an overview of downtown Burlington and felt the City needed to keep the Dankwardt Park swimming pool open. Eric Renteria of 907 High Street felt the City needed to have more transparency of goals. He further stated that the Parks Director retired March 31, 2012 and then in April 2012, the public finds out that the Planning and Development Director has taken over the Parks Department. Mayor Davidson stated that it was

discussed during budget meetings as a way to help cut the budget. Nathan Jackson, 301 Maple Street, Apt. 17, gave ideas for the City to save money. Stan

Stratton of 2809 Shamrock Drive stated that Central Avenue Overpass needed to be

repaired. He further urged Council to let voters decide on the fate of Cascade Bridge. Council Member McCampbell stated that the crack on the retaining wall of Central Avenue Overpass was a cosmetic issue not a structural issue. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:04 p.m.

Approved: May 21, 2012

Kathleen P. Salisbury, MMC
City Clerk

Jim Davidson
Mayor

(See recording 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 Approving Interlocal Agreement Between the City of Burlington and Des Moines County for the 2012 Byrne Justice Assistance Grant (JAG) Program Award

SET DATE FOR PUBLIC HEARINGS: MAY 21, 2012

1. Consideration of a Loan Agreement in a Principal Amount Not to Exceed \$7,200,000

2. Consideration of an Ordinance Amending Various Sections of Chapter 163, Environmental Nuisances of the Burlington Municipal Code

3. Consideration of an Ordinance Vacating and Selling Lot C in the Final Plat of West Avenue Business Park, City of Burlington, Des Moines County, Iowa

4. Consideration of Budget Amendment No. 1 for Fiscal Year 2011-2012