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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 23
December 3, 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, McCampbell and Reed present. Council Member Fleming was absent.

BURLINGTON CITY COUNCIL

PROCLAMATION OF RETIREMENT: Donna Acord, Library Business Manager

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: Anderson Seconded By: McCampbell

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

(VOTE: 4 - AYES)

CARRIED

HEARING:

1. Statement: Consideration of an Ordinance Amendment to Ordinance No. 3233, An Ordinance Creating a PUD (Planned Unit Development) Overlay Zone at the Southeast Corner of South Gear Avenue and West Avenue, by Making Changes to Section 4. Land Use/Design Requirements

COMMENTS: The Development Director reviewed with Council and the viewing audience the proposed Ordinance Amendment to Ordinance No. 3233, An Ordinance Creating a PUD (Planned Unit Development) Overlay Zone at the Southeast Corner of South Gear Avenue and West Avenue, by Making Changes to Section 4. Land Use/Design Requirements. He stated that the owner directly to the south of Sunnybrook Assisted Living facility, located at West Avenue and Gear Avenue, wishes to expand their Planned Unit Development (PUD) for future development opportunities, which could include assisted living facilities, nursing home, single family and two-family dwellings. Council Member Anderson asked the Development Director approximately how large the area that was being expanded. The Development Director stated that the area was approximately 4-acres. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson
Motion to Close

Seconded By: Reed

CARRIED

Introduced By: Anderson

Seconded By: Reed

Motion for Preliminary Adoption of the First Reading of an Ordinance Amendment

to Ordinance No. 3233, An Ordinance Creating a PUD (Planned Unit Development) Overlay Zone at the Southeast Corner of South Gear Avenue and West Avenue, by Making Changes to Section 4. Land Use/Design Requirements

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

ORDINANCES:

Introduced By: Reed

Seconded By: McCampbell

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Chapter 161, Housing Code of the City of Burlington

Municipal Code

DISCUSSION: The Parks and Development Director stated that he had met with Ron Brozene of the Southeast Homeowners Association to discuss an amendment to the proposed Housing Code Ordinance. He stated that the amendment to Section 161.08

Responsibilities of Owners Relating to the Maintenance and Occupancy of Premises, No. 9 Electrical System adds the following sentence: unless otherwise required to be updated by the adopted codes of the City, a licensed electrician may inspect and certify to the City that an existing 60 amp service will properly service the unit it serves. Don Loots of 2313 West Avenue stated his concern that the proposed Ordinance requires that all rental units shall have a centrally located smoke detector on each level and one in each bedroom. He felt

that a smoke detector located in a short hallway and in each bedroom was excessive. Council Member McCampbell stated that he felt extra smoke detectors was a good thing. The Parks and Development Director stated that the smoke detector language was taken out of the 2009 International Property Maintenance Code which requires a smoke detector in each sleeping room. He stated that the cost of a smoke detector was a minor expense for a safety issue. Council Member

Reed stated that he was happy with the proposed electrical amendment. Council Member Anderson stated that the Council wanted to make positive changes, and she

felt that the proposed Ordinance amendment was reasonable. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

CARRIED

Introduced By: Reed

Seconded By: McCampbell

2. To Amend Section 161.08 Responsibilities of Owners Relating to the Maintenance and Occupancy of Premises of Chapter 161 Housing Code

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: Reed

Seconded By: Anderson

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of

an Ordinance Amending Section 36.01 Membership of Chapter 36 Economic Development Advisory Board of the City of Burlington Municipal Code

DISCUSSION: The City Manager stated that the proposed Ordinance amends the Economic Development Advisory Board from five members to six members with the Finance Director serving as an ex officio member. The City Manager explained that the Finance Director would not be a voting member. Mayor Davidson and the Council stated that the proposed Ordinance was a good change. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ)

CARRIED

Introduced By: Reed

Seconded By: Anderson

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second

Reading and for Final Adoption of Ordinance Amending Section 36.01 Membership of

Chapter 36 Economic Development Advisory Board of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: McCampbell

Seconded By: Reed

1. Resolution Amending Impoundment Fee for Animal Control Center

DISCUSSION: The Fire Chief stated that the proposed impoundment fee for the Animal Control Center would be a tier structure consisting of, first offense \$25.00, second offense \$35.00, third and subsequent offense \$50.00 on an annual basis. He stated that boarding fees are charged and collected by the Animal Control Center. He further stated that the impoundment fee was by owner and not

by individual animal. Tim Scott of 2017 South 15th Street asked how the boarding fees would work. The Police Chief stated that he recommended a 7-day maximum for boarding fees and it would be addressed by the Animal Control Center

Board. 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: McCampbell

Seconded By: Reed

2. Resolution Amending Fees Per Chapter 65.13, Animals of the Burlington Municipal Code

DISCUSSION: Mayor Davidson stated that the license fee for a dog or cat was being raised to \$10.00 yearly from the present \$5.00 yearly license fee. He stated that the dog park tag would remain \$10.00 for the yearly fee. Leon Shahan of 1821 Mt. Pleasant Street questioned how many dog and cat tags were sold by the City on a yearly basis. The City Manager stated that the City received approximately \$3,500.00 in revenue for the sale of dog and cat tags. Mayor Davidson stated that it was approximately 700 tags sold. Council Member McCampbell and Council Member Reed stated the importance of licensing dogs and cats as it was a way for the Humane Society to contact the owner. Leon Shahan stated that with the increased license fee, fewer citizens will license their

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

(VOTE: 4 - â AYESâ)

ADOPTED

MOTION:

Introduced By: McCampbell

Seconded By: Reed

1. Acceptance of Donation from Winegard Company for Contribution for an Indoor Recreation Facility at the City's RecPlex Complex in the amount of \$400,000.00

DISCUSSION: The City Manager stated that the City had received a check from Winegard Company in the amount of \$400,000.00 to be used for an indoor recreation facility at the City's RecPlex Complex. He stated that the money would be deposited in a trust account until Council makes a decision as to what they want to do about constructing an indoor recreation facility. He stated that the key component of getting the project off the ground would be to form a partnership with the Imagine Campaign, which has identified the indoor facility as a priority for Burlington. Council Member Reed asked if the \$400,000.00 could be used for design of the facility. The City Manager stated that Winegard

Company had stated in their letter to the City that the \$400,000.00 could be used as the City sees fit toward the development, fundraising, construction or other expenses related to an indoor recreational facility at the City's RecPlex complex. He stated that the cost of a facility would be approximately \$12,000,000.00. The Mayor and Council stated their appreciation to Winegard Company for the \$400,000.00 donation. Mayor Davidson stated that Randy Winegard

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

(VOTE: 4 - â AYESâ)

CARRIED

COMMENTS FROM AUDIENCE: Nancy Snaadt, Account Manager with Alliant gave a presentation of how Alliant has been involved with the community and their donations during the past year. Tim Scott of 2017 South 15th Street stated his disappointment with American Water Resources. He stated that there was a list of items that American Water Resources does not cover for sewer breaks. Council

Member Reed suggested that property owners have their sewer scope to see if they

should take out a policy with American Water Resources. Tim Scott urged the Council to implement a monthly water billing verses the quarterly water bill, which would make it easier for people to pay their bill. Leon Shahan of 1821 Mt. Pleasant Street stated that he agreed with Tim Scott concerning disappointment with American Water Resources. He urged the Council to think about what the City was receiving in return for giving money for economic development. He questioned how many firefighters would be laid off due to giving money to developers. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:31 p.m.

Approved: December 17, 2012

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City Clerk

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 Nuisance Abatements for Various Properties