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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 27  
February 4, 2013

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 and Reed present. Council Member McCampbell was absent.

BURLINGTON CITY COUNCIL

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: Fleming

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. Council Member Reed 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

PRESENTATION: 2012 Achievements and 2013 Plans for Downtown Partners, Inc. by Steve Frevert, Executive Director

DISCUSSION: Steve Frevert, Executive Director of Downtown Partners, Inc., presented the following to the Council and viewing audience: Downtown Burlington

Facts and Figures; Downtown Burlington Value to the Community and Plans for 2013. Council Member Fleming stated that he was excited about downtown Burlington and thanked all the downtown volunteers for their service. Council Member Anderson stated that the downtown facade program was going to be a facelift for the downtown. She further thanked Steve Frevert for his work. All

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

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 307 Summer Street, City of Burlington, Des Moines County, Iowa

COMMENTS: The Parks and Development stated that the City had previously sold 307 Summer Street, but the winning bidder withdrew his bid after there was a fire at the home. He stated that damage from the fire was to the back of the home. Mayor Davidson led an auction for the sale of property locally known as 307

Summer Street, City of Burlington, Des Moines County, Iowa. Don Harter of 1018 Canterbury Dive was the high bidder at \$2,000.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Anderson Seconded By: Fleming  
Motion to Close

CARRIED

Introduced By: Anderson Seconded By: Fleming  
Motion to Amend Exhibit â Câ of the Resolution Approving the Sale of Property Locally Known as 307 Summer Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Don Harter in the amount of \$2,000.00

DISCUSSION: None.

(VOTE: 4 - â AYESâ )

CARRIED

Introduced By: Anderson Seconded By: Reed  
Resolution Approving Sale of Property Locally Known as 307 Summer Street , City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 4 - â AYESâ )

ADOPTED

2. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 73, Speed Regulations of the City of Burlington Municipal Code

COMMENTS: The Police Chief stated that the proposed Ordinance provides a language cleanup of Speed Regulations due to a couple of new schools. He stated that the Municipal Code will now state that if the school is properly marked as a school zone the speed limit will be 20 miles per hour. 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: Reed  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 73, Speed Regulations of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - â AYESâ )

CARRIED

3. Statement: Consideration of an Ordinance Amending Section 80.03 Parking Violations: Alternate of Chapter 80 Traffic Code Enforcement Procedures of the Burlington Municipal Code

COMMENTS: The Police Chief stated that the proposed Ordinance amends a parking ticket fine from \$5.00 to \$10.00. Steve Frevert, Executive Director for Downtown Partners, Inc., stated that the Business Development Committee discussed the increase in the parking ticket fine. He stated that the Committee did think the fine needed to be increased, but not doubled. He further stated that there was a lack of signage where there is parking downtown. Keith Jacobs of 1412 Pine Street urged the Council not to punish shoppers for shopping

downtown. 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: Reed

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending  
Section 80.03 Parking Violations: Alternate of Chapter 80 Traffic Code Enforcement Procedures of the Burlington Municipal Code

DISCUSSION: Council Member Anderson stated the City was not charging for shopping downtown Burlington. She stated that the penalty was if a person receives a parking ticket. Council Member Reed stated that he is always surprised that many business owners park directly in front of their business. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ )

CARRIED

ORDINANCE:

Introduced By: Reed

Seconded By: Anderson

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning Property Locally Known as 3400 Augusta Road from M-2, Heavy Industrial to R-1, Single-Family Residential Zoning District

DISCUSSION: The Parks and Development Director stated that the proposed Ordinance rezones property locally known as 3400 Augusta Road from M-2, Heavy Industrial to R-1, Single-Family Residential. He further stated that the property adjacent to 3400 Augusta Road was R-1. 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

1. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Rezoning Property Locally Known as 3400 Augusta Road from M-2, Heavy Industrial to R-1, Single-Family Residential Zoning District

DISCUSSION: None.

(VOTE: 4 - â AYESâ )

CARRIED

RESOLUTIONS:

Introduced By: Reed

Seconded By: Fleming

1. Resolution Authorizing the Demolition of City-Owned Building at 1616 Dill Street in Perkins Park

DISCUSSION: The Parks and Development Director stated that the proposed Resolution authorizes the demolition of City-owned building at 1616 Dill Street (former Apple Trees Museum) in Perkins Park. He explained that the Council has authorized the Development Department to proceed with the demolition, 60 days from the date of the Resolution. He stated that it would cost approximately \$80,000.00 to \$100,000.00 to rehabilitate the property and utility cost was \$6,000.00 a year. He stated that the cost for demolition was \$7,500.00. Keith

Jacobs of 1412 Pine Street stated that he was adamantly opposed to tearing down the building. He stated that it was previously the home of Mr. Perkins and Buffalo Bill briefly stayed in the home in 1908. He suggested the placement of solar on the building and also suggested the Perkins family pay the utilities to

keep the building from being demolished. Council Member Anderson stated that the 60-days allows for someone to come forward with a plan to take over the building and to cover the cost of the utilities. All present had opportunity to

speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES )

ADOPTED

Introduced By: Reed

Seconded By: Fleming

2. Resolution Approving Final Acceptance, Final Payment and Release of Retention

Monies for Construction of Phases II and IV of the Flint River Trail

DISCUSSION: The Parks and Development Director stated that the proposed Resolution approves the final acceptance, final payment and release of retention

monies for construction of phases II and IV of the Flint River Trail. He stated

that the final payment was within the budgeted amount of the project. Mayor Davidson stated that he has walked on the trail and it was very nice. 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: John Wauters of 2501 Charrette Lane encouraged the Council to raise property taxes to maintain City services and City personnel. He stated that City services entice many people and businesses to move to Burlington. He further stated that many people both old and young go to the Library, which helps improve literacy. Leon Shahan of 1821 Mt. Pleasant Street stated that there was a difference between essential services and TIF, tax abatements and economic development. He stated that a 3% franchise fee was counter-productive way to finance the City. Carolyn Louise Marshall of 1415 Iowa Street gave Council cost cutting suggestions for the BUS. Larry Williams of 1607 Navajo Street stated the biggest problem facing the City was sewer separation cost, which is an unfunded mandate. He stated that there was 15 more

years of sewer separation cost. He stated that Council may need to raise taxes to fund the cost of sewer separation. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:24 p.m.

Approved: February 19, 2013

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

RESOLUTIONS:

1. Resolution Approving Nuisance Abatement for a Property
2. Resolution Approving Refund of Liquor License for Connie Y. Russell dba/The Washington
3. Resolution Awarding the Bid for Complete Build and Delivery of a Type I Ambulance for the Burlington Fire Department 418 Valley Street
4. Resolution Appointing Treasurer of the City of Burlington

SET DATE FOR PUBLIC HEARINGS: FEBRUARY 19, 2013

1. Consideration of Sale of Property Locally Known as 620 Cedar Street, City of Burlington, Des Moines County, Iowa
2. Consideration of Sale of Property Locally Known as 1604 Louisa Street, City of Burlington, Des Moines County, Iowa
3. Consideration of Sale of Property Locally Known as 805 South 8th Street, City of Burlington, Des Moines County, Iowa

APPOINTMENTS:

Parks Advisory Committee: Mark Miller and Linda Ahrold  
Renewable Energy Commission: Jeff Lionberger  
Zoning Board of Adjustment: Larry Williams  
City Planning Commission: Robert McCloskey