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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 26
January 18, 2005

The Burlington City Council met in regular session at 7:00 p.m. in the City Hall, Council Chambers with Mayor Edwards, Council Members Baker, Ell, and Campbell present. Council Member King was out-of-state on business.

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 not separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

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

DISCUSSION: Mayor Edwards reviewed the items listed on the consent agenda to the viewing audience. Council Member Ell 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

ORDINANCES:

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of An Ordinance Vacating and Selling 380 Feet of the North-South 16-Foot Alley Right-of-Way, Located Between 5th and 6th Street and Running From Market Street to Division Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Vacating and Selling 380 Feet of the North-South 16-Foot Alley Right-of-Way, Located Between 5th and 6th Street and Running From Market Street to Division Street from the first reading. Council Member Ell made a motion to waive the second reading and to final adopt the Ordinance Vacating and Selling 380 Feet of the North-South 16-Foot Alley Right-of-Way, Located Between 5th and 6th Street and Running From Market Street to Division Street. Mayor Edwards seconded the motion. After roll call vote the motion was unanimously approved. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - ?AYES?) CARRIED

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of An Ordinance: An Ordinance Vacating and Selling 380 Feet of the North-South 16-Foot Alley Right-of-Way, Located Between 5th and 6th Street and Running From Market Street to Division Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: Council Member Campbell stated that he would abstain from voting on the final adoption of the Ordinance as he is an employee of the Shockley's and he wanted to eliminate any conflict of interest. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - ?AYES? EDWARDS, ELL, BAKER

1 - ?ABSTAINED? CAMPBELL) CARRIED

3. Motion for Preliminary Adoption of the Second Reading of An Ordinance Amending the Official Zoning Map and Designating a T-1 Mobile Home Planned Development Overlay Zone for 2424 Division Street

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Amending the Official Zoning Map and Designating a T-1 Mobile Home Planned Development Overlay Zone for 2424 Division Street from the first reading. Council Member Ell questioned if the owner of Conger Mobile Home Park at 2424 Division Street has met with the Development Department since the first reading of the Ordinance. The Development Director stated that he had met with the owners for approximately 15 minutes after the last meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - ?AYES?) CARRIED

RESOLUTION:

1. Resolution Approving the Final Plat of Twelfth Addition to Flint Ridge Business Park Subdivision

DISCUSSION: The Development Director reviewed the final plat of the Twelfth Addition to Flint Ridge Business Park Subdivision with Council and the viewing audience. He stated that it splits one lot into two lots with each lot consisting of approximately 6.7 acres. He stated that a new shell building would be built on lot 1A. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - 7AYES?) ADOPTED

COMMENTS FROM AUDIENCE: John R. Sandell of 2803 West Avenue stated that on a daily basis City Inspectors are on his property tagging his vehicles. He felt as though he has been singled out by the City. He stated that his wife and he were "stuff collectors." He requested that the City Inspectors be called off from his property this summer so that he could haul off his stuff. Council Member Ell questioned how long has the City been inspecting his property. John R. Sandell stated that the harassment started as soon as the Ordinance was adopted by the City Council. Council Member Baker stated that it sounded like harassment. She stated that City staff does a good job taking care of animals in the community, but can see John's point that he feels he is being harassed. Mayor Edwards stated that he would be checking with City staff on the issue. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:25 p.m. Approved: February 7, 2005

Kathleen P. Salisbury Mike Edwards
City Clerk, C.M.C. 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 60-Day Cigarette Suspension for Kwik Shop No. 570 for Fourth Violation of Providing Tobacco to Minors
2. Resolution Approving Urban Revitalization Tax Exemptions Pursuant to Chapter 404 of the State Code of Iowa
3. Resolution Establishing a New Fee Schedule for the RecPlex
4. Resolution Approving Maintenance and Operation of the Street Extension, Storm Water Improvements and Sanitary Sewer Extension in Westbrook Estates, 4th and 5th Additions
5. Resolution Approving Maintenance and Operation of the Street Extension, Storm Water Improvements and Sanitary Sewer Extension in Park South Subdivision, Phase III & IV
6. Resolution Authorizing the City of Burlington to Execute A Grant Application to the Iowa Department of Transportation's RISE Program in Connection with the Roadway Improvements Connecting the Flint Ridge Business Park to the Stonegate Village Planned Unit Development (PUD)

SET DATE FOR PUBLIC HEARING: FEBRUARY 7, 2005

1. Consideration of Cable Television Franchise Renewal

APPOINTMENT:

Zoning Board of Adjustment: Roderick E. Kellogg