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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 32
April 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, Campbell and King present. Boy Scout Troop No. 58 led the Council the Pledge of Allegiance. A moment of silence was given in memory of John Miller of West Burlington who was killed in action in Iraq.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * Youth Appreciation Week - Stephanie Bailey
- * Equal Pay Day - Marlis Robberts
- * Fair Housing Month - Lisa Orth
- * Clean Out Your Files Day - Darven Kendell
- * Teach Children to Save Day - Vicki Bredar, Amy Walsh, Ashley Manning, Margo Noble, Courtney O'Keefe and Jessica Stevens

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 those items 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: 5 - ?AYES?) CARRIED

PRESENTATION:

Hal Morton, Des Moines County Regional Solid Waste Commission

DISCUSSION: Hal Morton of the Des Moines County Regional Solid Waste Commission stated that every two to three years they have to update their comprehensive plan. He stated that they serve 13 cities and one county. He stated that currently they are at 44% diversion rate and they need to be at 50% diversion rate. He urged the Council to think of new ways to reduce waste to the landfill. He further stated that he hoped to adopt a new comprehensive plan the fall of 2005. Council Members Ell and Baker stated that the landfill was highly complex and clean operation. Council Member King suggested that the Solid Waste Commission send either a postcard or an e-mail to businesses to encourage recycling. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

HEARINGS:

1. Statement: Consideration of Annual Consolidated Transit Funding Application

COMMENTS: The Transit Manager stated that the public hearing on the filing of an application to the Iowa Department of Transportation for Federal and State operating assistance for B.U.S. was a required hearing. He stated that the City was anticipating receiving the following:
\$105,306.00 in FTA monies with a local match and \$146,890.00 in STA monies. He stated that the balance of the estimated operating budget would be from fare boxes and levies. He stated that fiscal year 2003/2004 the bus ridership was 132,961 and the City buses traveled 180,038 miles. He further stated that City transit staff consists of six full time employees and eight part-time employees. He also stated that the grant application provides for State Capital Assistance monies estimated to be \$52,290.00 or 83% of an estimated \$63,000.00 to acquire a light duty bus to replace bus no. 719, a 1991 Ford Startrans with nearly 260,000 miles. Also, seeking approval to use peerpool monies to purchase equipment for the Vehicle Maintenance Shop to allow for in-house systems analysis and repair of air-conditioning systems and diesel

engine repair, with an estimated value of \$18,200.00 of which the City is seeking 80% monies or \$14,560.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Resolution Approving Annual Consolidated Transit Funding Application

DISCUSSION: None.

(VOTE: 5 - ?AYES?) ADOPTED

2. Statement: Consideration of Plans and Specifications for the Crapo Park Restroom Project

COMMENTS: The Parks and Recreation Director reviewed the plans and specifications for the Crapo Park Restroom Project with the Council and the viewing audience. He stated that as a part of the project was sewer improvements. He stated that the project cost consisted of \$140,000.00 with \$34,000.00 for the sewer portion and \$106,000.00 for the restroom. He stated that the project was 100% funded by Starker Trust. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Resolution Approving Plans and Specifications for the Crapo Park Restroom Project

DISCUSSION: None.

(VOTE: 5 - ?AYES?) ADOPTED

3. Statement: Consideration of An Ordinance Repealing Title 17, City of Burlington Development Program and Adopting a New Title 17 in Lieu Thereof According to Chapter 414 of the State Code of Iowa

COMMENTS: The Development Director stated that the proposed Ordinance updates the City's Zoning and Development Code. He stated that there were 100 minor changes to the Code. He stated that one of the changes to the Code would change the approval for Special Use Permits by the Zoning Board of Adjustment from a four to one vote to a three to two vote. Another possible change would be Variances and Appeals by the Zoning Board of Adjustment would go from a three to two vote to a four to one vote. John Sandell, Chairperson of the Zoning Board of Adjustment stated that a special use permit changes the character of the neighborhood and needed to remain a four to one vote (super majority vote). He urged the Council to reconsider. He stated that he was not against any proposed change to the vote for Variances and Appeals. Mark Ervine of 712 North Street stated that citizens should be allowed to sell retail items out of their homes with proper guidelines. The Development Director stated that the reason retail sales from homes are not allowed is to help struggling downtown businesses. After considerable discussion by the Council it was determined that the Council would continue discussing the issue at the next work session and any amendments could be made at the second reading of the Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Motion for Preliminary Adoption of the First Reading of An Ordinance Repealing Title 17, City of Burlington Development Program and Adopting a New Title 17 in Lieu Thereof According to Chapter 414 of the State Code of Iowa

DISCUSSION: None.

(VOTE: 5 - ?AYES?) CARRIED

RESOLUTION:

1. Resolution Approving and Authorizing A Loan Agreement and Providing for the Issuance of A \$1,800,000.00 General Obligation Aquatic Center Note

DISCUSSION: The Deputy City Manager stated that the proposed Resolution approves and authorizes a loan agreement and provides for the issuance of a \$1,800,000.00 General Obligation Aquatic Center Note. He stated that the interest rate was 6% per annum. Both principal of and interest on the Note shall be paid in four equal installments, in the amount of \$140,000.00 each, on June 1 of each of the years 2006 to 2009 with one final payment of all remaining principal and interest at maturity on June 1, 2010. He stated that the City could refinance the note at a later date. He further stated that four local banks were interested in bidding on the note. Mayor Edwards stated that he was confident that the Aquatic Center would be profitable. 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: None.

Adjournment: 8:38 p.m. Approved: May 2, 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 Demolition/Nuisance Abatements for Various Properties
2. Resolution Approving Participation in An Economic Development Analysis and Strategic Plan for Burlington and Des Moines County

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of Plans and Specifications for the 2005 Osborn Street HMA Resurfacing Project (May 2, 2005)
2. Consideration of An Ordinance Vacating A Portion of Utility Easement on Lot 8, Mason Meadows Subdivision (May 2, 2005)
3. Consideration of An Ordinance Rezoning Property at 1204 Washington Street (formerly St. Patrick Church) (May 16, 2005)
4. Consideration of An Ordinance Rezoning Properties at 3535 Agency (Ryan's Steakhouse), 3501 Agency (Auto Zone) and 415 South Roosevelt (Furniture Row) from M-2 Heavy Industrial to C-2 General Commercial (May 16, 2005)