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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 33
May 2, 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.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * A Day of Prayer - Pastor Frank Beaty
- * Salvation Army Week - Captain Allen Otto

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 listed on the Consent Agenda for the viewing public. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTES: 5 - AYES) CARRIED

HEARINGS:

1. Statement: Consideration of An Ordinance Vacating a Portion of a 20-Foot Wide Public Utility Easement Located on Lot 8 of Mason Meadows Subdivision

COMMENTS: The Development Director stated that the proposed Ordinance vacates a portion of a 20-foot wide public utility easement located on lot 8 of Mason Meadows Subdivision. He stated that the 20-foot wide easement should have been removed prior to the final plat approval. He stated that the City has received a

petition from the owner of lot 8 requesting removal of the utility easement. 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 Vacating a Portion of a 20-Foot Wide Public Utility Easement Located on Lot 8 of Mason Meadows Subdivision

DISCUSSION: None.

(VOTE: 5 - AYES) CARRIED

2. Statement: Consideration of Plans and Specifications for the 2005 Osborn Street HMA Resurfacing Project

COMMENTS: The Public Works Director reviewed the plans and specifications for the 2005 Osborn Street HMA Resurfacing Project with the Council and the viewing audience. He stated that the proposed budget was \$430,000.00 with the project funded as follows: STP funds \$320,000.00; local option sales tax monies \$74,500.00 and general obligation bonds \$35,500.00. He stated that bids would be

received by the Iowa Department of Transportation on June 21, 2005 and the project would be awarded by the City Council on July 18, 2005. He further stated

the project should be completed by fall 2005. 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 2005 Osborn Street HMA Resurfacing Project

DISCUSSION: None.

(VOTE: 5 - AYES) ADOPTED

ORDINANCES:

1. Motion for Preliminary Adoption of the Second 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: The Development Director reviewed the proposed amendment to the Development Program Ordinance. He stated that there were four new amendments (one motion). One of the amendments would allow the approval for Special Use Permits by the Zoning Board of Adjustment from a four to one vote to a three to two vote and would allow 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. The City Manager reminded the Council that with a special use permit there is a 1 year time frame that it can be appealed and it gets reviewed every 5 years. He

stated that a variance is permanent and runs with the property. After considerable discussion by the Council, Council Member King made a motion to Amend Section 17.30.404 no. 7; Section 17.30.406 no. 3 and no. 9 and Section 17.50.109 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. Mayor Edwards seconded the motion. After roll call vote the motion to amend was unanimously approved. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES) CARRIED

2. Motion to Amend Section 17.30.404 no. 7; Section 17.30.406 no. 3 and no. 9 and Section 17.50.109 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 the Final Plat of Henrich Subdivision

DISCUSSION: The Development Director stated that Henrich Subdivision was a county subdivision located within two-miles of Burlington. He stated that Henrich Subdivision was a part of Ridgetop Subdivision. He stated that the final

plat approval turns lot 1 which was intended to be two lots to a one-lot subdivision. He further stated that the Des Moines County Plan Commission has approved the final plat of Henrich Subdivision. 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: 7:48 p.m. Approved: May 16, 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 Renewal of Three Year Lease Agreement for the Operation of the Iowa Store, Welcome Center, Port of Burlington Building

2. Resolution Establishing Changes for Trash Tags and Ambulance Charges Effective July 1, 2005

SET DATE FOR PUBLIC HEARINGS: May 16, 2005

1. Consideration of A Loan Agreement in A Principal Amount of \$425,000.00

2. Consideration of Budget Amendment No. 1 for Fiscal Year 2004-2005

3. Consideration of Plans and Specifications for the 2005 Kirkwood Street Reconstruction Project