

SUBJECT TO CHANGE AS FINALIZED BY THE CITY CLERK. FOR A FINAL OFFICIAL COPY,
CONTACT THE CITY CLERK S OFFICE AT (319)753-8124.

MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 34
May 16, 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. 40 led the Council in the Pledge of Allegiance.

BURLINGTON CITY COUNCIL

PROCLAMATION:

* Police Week - Chief Wunnenberg

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. 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: 5 - AYES) CARRIED

HEARINGS:

1. Statement: Consideration of a Loan Agreement in a Principal Amount of \$425,000.00

COMMENTS: The Deputy City Manager stated that the City was entering into a loan agreement and providing for the issuance of \$425,000.00 General Obligation Community Field Renovation Note. He stated that the interest rate on the note was 4.15% per annum with a 7-year payment schedule. The payments would be approximately \$71,400.00 yearly. He stated that approximately \$13,000.00 would be saved in borrowing from a local bank. He further stated that the City presently budgets \$50,000.00 for Community Field under the City s Capital Improvement Program (CIP). He stated that the note would be repaid with the budgeted \$50,000.00 CIP monies and approximately \$20,000.00 in local option sales tax reconciliation monies. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Resolution Authorizing and Approving a Loan Agreement and Providing for the Issuance of a \$425,000.00 General Obligation Community Field Renovation Note and

Providing for the Levy of Taxes to Pay the Same

DISCUSSION: None.

(VOTE: 5 - AYES) ADOPTED

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

COMMENTS: The Deputy City Manager stated that the Council would be approving amendment no. 1 to the fiscal year 2004-2005 budget. He stated that the amendment included

the following:

Aquatic Park \$1,800,000.00; Comfort Suites development \$975,000.00; Community Field Renovation \$425,000.00; EPA Sewer Separation Project \$2,000,000.00; Federal Mogul \$250,000.00; expenditures at WWTF carried over from the prior year

\$160,000.00; interest on the 2004 General Obligation Bond issue sold after the budget was adopted \$130,000.00; Special Contribution Accounts (formerly Trust and Agency) representing expenditures from Starker Trust, Family Tree Memorial, Ambulance Advancement, Police Forfeited Funds, etc. \$185,000.00; upgrade the Pentamation Financial Software \$75,000.00 and \$436,560.00 represents a variety of smaller items. He further stated that the total amendment came to \$6,050,960.00 for a total amended budget of \$45,477,653.00. He further stated that the amendment would not affect the tax levy. Leon Shahan of 1821 Mt. Pleasant Street stated that he was against the City spending \$3,000,000.00 on economic development as he felt it was not a good bet. Council Member Ell stated

that Fun City LLC will employ 200 employees. Mayor Edwards stated that Fun City LLC was a positive venture for Burlington. Council Member Baker stated that she hoped the City would continue to operate and update the swimming pool in the park. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Resolution Approving Budget Amendment No. 1 for Fiscal Year 2004-2005

DISCUSSION: None.

(VOTE: 5 - AYES) ADOPTED

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

COMMENTS: The Public Works Director reviewed the plans and specifications for the 2005 Kirkwood Street Reconstruction Project. The project would run from Roosevelt Avenue to approximately 850 east (in front of Winegard property) on Kirkwood Street. He stated that the project would be constructed in three phases

and there would be access to businesses. He stated that the City would take bids for the project on June 8, 2005 and award the project on June 20, 2005. The

project would be completed by the first part of September, 2005. The estimated cost of the project was \$207,500.00 with the project budgeted at \$210,000.00. Funding from the project would consist of \$171,000.00 in sales tax monies and \$39,000.00 in general obligation monies. 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 Kirkwood Street Reconstruction Project

DISCUSSION: None.

(VOTE: 5 - AYES) ADOPTED

4. Statement: Consideration of An Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Property at 1204 Washington Street from R-4 (Multi-Family Residential District) to M-1 (Light Industrial District)

COMMENTS: The Development Director stated that the proposed Ordinance amends the official zoning map for the City of Burlington by rezoning property 1204 Washington Street formerly known as St. Patricks Church form R-4 multi-family residential district to M-1 light industrial district. He stated that Historic Trust for Preservation were the new owners of the property. He stated that they were a non-profit organization using the building for profit as a community hall. He stated that the rezoning was coming before the Council without the issue being voted upon by the Plan Commission. He stated that the Plan Commission was unable to vote on the issue at the last two meetings due to no quorum, not because they were against the rezoning. Chris Woerly of 1134 Washington Street stated that she and other neighbors were against the rezoning due to possible noise and parking issue. The Development Director stated that the Catholic Church had a few restrictions when they sold the property. The City Manager stated that he would obtain restriction information from Historic Trust for Preservation prior to 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 Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Property at 1204 Washington Street from R-4 (Multi-Family Residential District) to M-1 (Light Industrial District)

DISCUSSION: None.
(VOTE: 5 - AYES) CARRIED

5. Statement: Consideration of An Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Properties Located at 3535 Agency Street (Ryan s Family Steakhouse), 3501 Agency Street (Auto Zone) and 415 South Roosevelt Avenue (Furniture Row) from M-2 (Heavy Industrial District) to C-2 (General Commercial District)

COMMENTS: The Development Director stated that the proposed Ordinance amends the official zoning map for the City of Burlington by rezoning properties located at 3535 Agency Street (Ryan s Family Steakhouse), 3501 Agency Street (Auto Zone) and 415 South Roosevelt Avenue (Furniture Row) from M-2 heavy industrial district to C-2 general commercial district. He stated that the City Code that the City adopted in 2003, no longer allows commercial property in a heavy industrial district. He stated that this was a housecleaning item . Council Member Baker questioned if the rezoning was a good thing for the businesses. The Development Director stated that without the change, if their building would burn down they would not be allowed to rebuild, as their business would be considered a non-conforming use. Council Member King stated that the request was made by all of the property owners. 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 Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Properties Located at 3535 Agency Street (Ryan s Family Steakhouse), 3501 Agency Street (Auto Zone) and 415 South Roosevelt Avenue (Furniture Row) from M-2 (Heavy Industrial District) to C-2 (General Commercial District)

DISCUSSION: None.

(VOTE: 5 - AYES) CARRIED

ORDINANCES:

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of An Ordinance Vacating a Portion of a 20-Foot Wide Public Utility Easement Located on Lot 8 of Mason Meadows Subdivision

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Vacating a Portion of a 20-Foot Wide Public Utility Easement Located on Lot 8 of

Mason Meadows Subdivision from the first reading. Council Member King made a motion to waive the second reading and to final adopt the Ordinance Vacating a Portion of a 20-Foot Wide Public Utility Easement Located on Lot 8 of Mason Meadows Subdivision. Council Member Campbell 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: 5 - 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 a Portion of a 20-Foot Wide Public Utility Easement Located on Lot 8 of Mason Meadows Subdivision

DISCUSSION: None.

(VOTE: 5 - AYES) CARRIED

3. Motion for Final Adoption 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 City Manager stated that there were no changes to the 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 from

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

(VOTE: 5 - AYES) CARRIED

COMMENTS FROM AUDIENCE: Dave Walker of 708 Terrace Drive commended the Council for their support over the years of Community Field. He stated that hosting a professional baseball team for a city our size was positive. He stated that the new stadium was a great source of pride for the community. He further stated that Community Field was having a fund-raiser in which bricks could be purchased

for \$250.00 with your name etched on it. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:03 p.m. Approved: June 6, 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 Temporary Transfer of Liquor License for Klein and Kompany, Inc. dba/Farney s on Jefferson for Bike Criterium Event
2. Resolution Approving Outdoor Service Area for Liquor License for Sombrero, Inc. dba/Sombrero, Inc. for Event on June 4, 2005
3. Resolution Approving Purchase of Two Biphasic 12-Lead Monitors Equipped with SP02, Capable of Transmitting 12-Lead EKG s, with AED Option and Extra Batteries
4. Resolution Amending the Personnel Manual for Non-Union Employees

APPOINTMENTS:

RecPlex Advisory Committee: Scott Smith
Library Board of Trustees: Win Boyd and Joyce Wauters