

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. 35
June 6, 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:

Retirement of Ron Peterson, Solid Waste Foreman
Recognition of the Birthday of the U.S. Army - Staff Sergeant Holloway

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.
(VOTES: 5 - AYES) CARRIED

ORDINANCES:

1. Motion for Preliminary Adoption of the Second 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: The City Manager stated that at the request of the City Council at the public hearing held on May 16, 2005, he has received a copy of Heritage Trust Reuse Plan, Rehabilitation Plan and Covenants. He stated that there have been no changes to the Ordinance from the public hearing. Those who spoke against the rezoning were Brian Calloway of 1141 Washington Street and Chris Woerly of 1134 Washington Street. They stated that they were against the rezoning due to possible noise, alcohol being used at wedding receptions and lack of parking. Dennis Wilson of 2309 West Avenue speaking on behalf of Heritage Trust stated that they tried to find other uses for the church but there are many covenants to the property. He stated that they originally looked at the building being used as a community hall only, but it would not be economically feasible. He stated that they hoped the building would be used mainly for meetings and a few receptions starting late fall 2005. He further stated that they plan to be good neighbors by keeping the building and grounds in good condition. Chris Woerly stated that she liked the idea of the building being used for meetings. She stated that they would like to co-exist with Heritage Trust. Brian Calloway questioned if Heritage Trust decides to forego

their plans and the property is rezoned light industrial, if a gas station could be constructed on the property. The Development Director stated that the property would revert back to the Arch Diocese of Davenport and it would be up to them to petition the property be rezoned back. 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 the Motion for Preliminary Adoption of the Second 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: The City Manager stated that there were no changes to the 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) from the first reading. Council Member King made a motion to waive the second reading and

to final adopt the 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). 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

3. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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

RESOLUTION:

1. Resolution Approving the Master Park Plan for Perkins Park

DISCUSSION: Mike Stineman, landscape architect for Shoemaker Haaland of Coralville, Iowa reviewed the master park plan for Perkins Park with the City Council and viewing audience. He stated that the plan provides for a new outdoor shelter house with a combined restroom; expanded parking area; drop off zone; a new entry sign; a new walkway and planting of crab apple trees. The Parks and Recreation Director stated that the Parks Advisory Board was still looking for a possible reuse of the Apple Trees Museum. Mayor Edwards questioned the priority of the projects for the Perkins Park master plan. The Parks and Recreation Director stated that funding was an issue. He stated that once funding is in place the first priority was a new restroom/open shelter followed by parking.

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: 8:03 p.m.. Approved: June 20, 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 Outdoor Service Area for Klein and Kompany, Inc. dba/Farney s on Jefferson for Event on June 25, 2005
3. Resolution Approving Sign Permit Fees Effective with Bills Rendered on or After June 6, 2005
4. Resolution Approving Maintenance and Operation of the Streets, Storm Sewers and Sanitary Sewers Constructed in Mason Meadows Subdivision
5. Resolution Awarding Contract for the Crapo Park Restroom
6. Resolution Authorizing A Grant Application with the Iowa Department of Transportation for Funding of a Planting Project Along U.S. Hwy. 34
7. Resolution Authorizing A Third Mortgage with Newbury Village Associates

SET DATE FOR PUBLIC HEARINGS: June 20, 2005

1. Consideration of a Permanent Encroachment Agreement for 322 North 4th Street for Tables and Chairs on City Right-of-Way
2. Consideration of a Permanent Encroachment Agreement for Placement of a Message Center Sign at the Port of Burlington Welcome Center
3. Consideration of Plans and Specifications for 2005 Court Street Reconstruction, 3rd to 4th Street

APPOINTMENTS:

City Planning Commission: Becky Egerton

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. 35
June 6, 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:

Retirement of Ron Peterson, Solid Waste Foreman
Recognition of the Birthday of the U.S. Army - Staff Sergeant Holloway

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.

(VOTES: 5 - AYES) CARRIED

ORDINANCES:

1. Motion for Preliminary Adoption of the Second 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: The City Manager stated that at the request of the City Council at the public hearing held on May 16, 2005, he has received a copy of Heritage Trust Reuse Plan, Rehabilitation Plan and Covenants. He stated that there have been no changes to the Ordinance from the public hearing. Those who spoke against the rezoning were Brian Calloway of 1141 Washington Street and Chris Woerly of 1134 Washington Street. They stated that they were against the rezoning due to possible noise, alcohol being used at wedding receptions and lack of parking. Dennis Wilson of 2309 West Avenue speaking on behalf of Heritage Trust stated that they tried to find other uses for the church but there are many covenants to the property. He stated that they originally looked at the building being used as a community hall only, but it would not be economically feasible. He stated that they hoped the building would be used mainly for meetings and a few receptions starting late fall 2005. He further stated that they plan to be good neighbors by keeping the building and grounds in good condition. Chris Woerly stated that she liked the idea of the building being used for meetings. She stated that they would like to co-exist with Heritage Trust. Brian Calloway questioned if Heritage Trust decides to forego their plans and the property is rezoned light industrial, if a gas station could be constructed on the property. The Development Director stated that the

property would revert back to the Arch Diocese of Davenport and it would be up to them to petition the property be rezoned back. 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 the Motion for Preliminary Adoption of the Second 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: The City Manager stated that there were no changes to the 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) from the first reading. Council Member King made a motion to waive the second reading and

to final adopt the 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). 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

3. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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

RESOLUTION:

1. Resolution Approving the Master Park Plan for Perkins Park

DISCUSSION: Mike Stineman, landscape architect for Shoemaker Haaland of Coralville, Iowa reviewed the master park plan for Perkins Park with the City Council and viewing audience. He stated that the plan provides for a new outdoor

shelter house with a combined restroom; expanded parking area; drop off zone; a new entry sign; a new walkway and planting of crab apple trees. The Parks and Recreation Director stated that the Parks Advisory Board was still looking for a

possible reuse of the Apple Trees Museum. Mayor Edwards questioned the priority of the projects for the Perkins Park master plan. The Parks and Recreation Director stated that funding was an issue. He stated that once funding is in place the first priority was a new restroom/open shelter followed by parking. 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: 8:03 p.m.. Approved: June 20, 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 Outdoor Service Area for Klein and Kompany, Inc. dba/Farney s on Jefferson for Event on June 25, 2005
3. Resolution Approving Sign Permit Fees Effective with Bills Rendered on or After June 6, 2005
4. Resolution Approving Maintenance and Operation of the Streets, Storm Sewers and Sanitary Sewers Constructed in Mason Meadows Subdivision
5. Resolution Awarding Contract for the Crapo Park Restroom
6. Resolution Authorizing A Grant Application with the Iowa Department of Transportation for Funding of a Planting Project Along U.S. Hwy. 34
7. Resolution Authorizing A Third Mortgage with Newbury Village Associates

SET DATE FOR PUBLIC HEARINGS: June 20, 2005

1. Consideration of a Permanent Encroachment Agreement for 322 North 4th Street for Tables and Chairs on City Right-of-Way
2. Consideration of a Permanent Encroachment Agreement for Placement of a Message Center Sign at the Port of Burlington Welcome Center
3. Consideration of Plans and Specifications for 2005 Court Street Reconstruction, 3rd to 4th Street

APPOINTMENTS:

City Planning Commission: Becky Egerton