

MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 42  
September 19, 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

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: Tim Scott of 2017 South 15th Street removed the Resolution Approving

Bridge Repair and Settlement Agreement for the Central Avenue Overpass Repairs from the consent agenda for discussion at the close of the meeting. 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: 5 - AYES ) CARRIED

HEARINGS:

1. Statement: Consideration of Amendment No. 1 to Fiscal Year 2005-2006 Budget

COMMENTS: The Deputy City stated that amendment no. 1 to the fiscal year 2005-2006 budget will increase expenditures by the amount of \$5,384,120.00. He stated that the items included in the amount were as follows: \$975,000.00 for the new Comfort Suites; \$700,000.00 for the library project; \$2,550,000.00 Vision Iowa program; \$159,120.00 interest to be paid out of the 2005 general obligation bond issue and \$1,000,000.00 for a new fire aerial truck. He explained to the Council that the \$1,000,000.00 for a new fire aerial truck will

be removed at a future budget amendment as it has already been budgeted for by the City Council. He urged them to go ahead and approve the amendment with the \$1,000,000.00 for the new fire aerial truck as it was published with that amount

listed and it will be corrected at a later budget amendment. He further stated that the total amended budget is now \$45,075,623.00. All present had opportunity

to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Resolution Approving Amendment No. 1 to Fiscal Year 2005-2006 Budget

DISCUSSION: None.

(VOTE: 5 - AYES ) ADOPTED

2. Statement: Consideration of an Ordinance Vacating and Selling the North-South

Summer Street Right-of-Way North of Aetna Street

COMMENTS: The Development Director reviewed the proposed Ordinance vacating and selling the north-south Summer Street right-of-way north of Aetna Street. He stated that the property was located at the corner of Central and Division Streets and Walgreens plans on building a new store where McDonalds was previously located. He stated that plans are also being made to build a new Subway on the northwest corner of the property. He stated that the City has a 40

foot wide storm sewer easement on the property which McDonalds had built their property on top of the sewer. He stated that Walgreens plans on having their building sit on the easement line and were requesting the vacation of the 40 foot wide sewer easement. He stated that there would be no access points on Division Street at this time. The main access will be on Marietta Street and Central Avenue. The property is being sold for \$200.00 as the development of the

property will be approximately \$4,000,000.00 and will add to the City s tax base. He stated that there were no plans at this present time to upgrade Marietta Street. Mayor Edwards stated that the development of a new Walgreens was good for the City s tax base. 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 and Selling the North-South Summer Street Right-of-Way North of Aetna Street

DISCUSSION: None.

(VOTE: 5 - AYES ) CARRIED

3. Statement: Consideration of an Ordinance Vacating a 40 Foot Wide Sewer Easement on Lots 14, 15 and 53 of Smith s Addition to the City of Burlington

COMMENTS: None.

Motion to Close CARRIED

Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating a 40 Foot Wide Sewer Easement on Lots 14, 15 and 53 of Smith s Addition to the City of Burlington

DISCUSSION: None.

(VOTE: 5 - AYES ) CARRIED

ORDINANCES:

1. 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 Property at 1205 North Central Avenue from R-3 (Two-family Residential Zoning District) to C-1 (Limited Commercial Zoning 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 Property at 1205 North Central Avenue from R-3 (Two-family Residential Zoning District) to C-1 (Limited Commercial Zoning 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 Property at 1205 North Central Avenue from R-3 (Two-family Residential Zoning District) to C-1 (Limited Commercial Zoning

District). 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: 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 Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Property at 1205 North Central Avenue from R-3 (Two-family Residential Zoning District) to C-1 (Limited Commercial Zoning District)

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

3. Motion for Preliminary Adoption of the Second Reading of an Ordinance Repealing Chapter 105 Solid Waste Control and Adopting a New Chapter 105 in Lieu Thereof

DISCUSSION: The City Manager stated that the Solid Waste Control Ordinance would provide that the sanitary disposal facilities operated by the Des Moines County Regional Solid Waste Commission be hereby designated as the official Public Sanitary Disposal Project for the disposal of solid waste produced or originating within the City. All solid waste produced or originating within the City will be disposed of at the Official Public Sanitary Disposal Project. It is unlawful for any solid waste collector to dispose of solid waste collected within the City at any other place than the Official Public Sanitary Disposal Project. He further reviewed proposed changes to the Ordinance. Attorney David Hirsch representing City Carton Recycling stated his concern that the word recyclable was used in the Ordinance and felt that his client would have to purchase a permit and would be licensed by a competitor. The City Manager stated

that it was not the intent of the Ordinance to regulate City Carton Recycling. Mike Andrews of 2617 Sunrise Lane stated his concern with various definitions and sections of the proposed Ordinance and amendment. He stated that State law does not require that solid waste be taken to a certain site. Tim Scott of 2017 South 15th Street stated his concern as to how the director of the Solid Waste Commission handled the problem with Kenny Floyd. He stated that the whole problem could have been taken care of with a phone call. He further stated that he hated to see City employees taking pictures of business people hauling trash and becoming too much of a big brother. Council Member Ell stated that he was informed by the Solid Waste Commission director that he did contact Floyd s E-Z-Way Container Service. The Wastewater Treatment Facility Superintendent stated that the Solid Waste Commission would be meeting on September 20, 2005 at 4:00 p.m. at the Recycling Center. He invited those with concerns to come to the meeting. After considerable discussion by the City Council, it was determined that the proposed Ordinance needed to be clarified. After roll calls vote the motion for second reading failed. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - NAYS ) FAILED

#### RESOLUTION

1. Resolution Approving Bridge Repair and Settlement Agreement with Attached Exhibits for the Central Avenue Overpass Repairs

DISCUSSION: Tim Scott of 2017 South 15th Street questioned if there were any City costs involved with the bridge repair and settlement agreement for the Central Avenue Overpass

Repairs. The City Manager stated that there were no costs for the City other than legal fees. He stated that NNW did the design work for the Central Avenue Overpass Project and are held responsible for the design flaw and also held responsible for all costs involved in the repairs of the flaw. 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: 8:04 p.m. Approved: October 3, 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 5 Day Special Class C Liquor License (Beer/Wine) for Burlington Notre Dame for an Off Broadway Musical Event on October 8, 2005
2. Resolution Approving Fiscal Year 2004-2005 Street Finance Report, Road Use Tax
3. Resolution Approving Purchase of New Medium Duty Truck for a Refuse Packer Body for the Wastewater Treatment Facility, Solid Waste Division
4. Resolution Approving Maintenance and Operation of Sanitary Sewer, Streets and Stormwater Improvements for Hueholt Subdivision (Diamond Drive)

SET DATE FOR PUBLIC HEARING: October 3, 2005

1. Consideration of Plans and Specifications for the 2005 West Burlington Avenue Paving Project

APPOINTMENTS:

Environmental Protection Board: Newt Colburn