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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 43  
October 3, 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:

- \* Try Transit Week - Larry Gantz
- \* Character Counts Week - Mary Settles
- \* Domestic Violence Awareness Month - Char Blodgett

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

PRESENTATION: DOWNTOWN UPPER STORY REVITALIZATION - BRIAN TAPP

DISCUSSION: The City Manager announced that the presentation by Brian Tapp in regard to downtown upper story revitalization will be held at a later date.

HEARINGS:

1. Statement: Consideration of Resolution Adopting the Resolution of Necessity for the 2005 West Burlington Avenue Paving Project

COMMENTS: The City Manager stated that the Public Works Director would be reviewing with Council information on the Resolution of Necessity and the hearing on the plans and specifications for the 2005 West Burlington Avenue Paving Project jointly. He further stated that the hearing on the Resolution of Necessity was required by State Code of Iowa. The Public Works Director thanked Marvel and Sandra Davis for their cooperation in their willingness to sign the petition which allowed for a waiver of the notice of publication for the hearing

on the Resolution of Necessity, so that the project could move forward. He reviewed with Council and the viewing audience the proposed plans and specifications for the project. He stated that Phase I of the project would begin in the fall of 2005 with dirt work/culvert work and Phase II would include

the paving portion in the spring of 2006. He stated that the project cost was \$287,000.00 (an assessment district portion) with the estimated construction

cost of the project at \$240,000.00 (\$70,000.00 for fall, 2005 cost) and \$170,000.00 (for spring 2006, cost). The project will be paid as follows: 1/4 by

the property owner to the west under an agreement, 1/4 by the property owner to the east under an assessment district and the remaining % paid by the City. Bids

would be opened on October 12, 2005 and the project would be awarded by the City

Council on October 17, 2005. Mayor Edwards questioned the amount of property tax

valuation for the new Stonegate Village apartments that are proposed to be built

near the paving improvement. The Development Director stated that estimated tax valuation for Stonegate Village apartments would be approximately \$10,000,000.00

to \$12,000,000.00. He further stated that Stonegate Village apartment would consist of 12 units with a total of 143 apartments priced at market rate. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Resolution Adopting the Resolution of Necessity for the 2005 West Burlington Avenue Paving Project

DISCUSSION: None.

(VOTE: 5 - AYES ) ADOPTED

2. Statement: Consideration of Plans and Specifications for the 2005 West Burlington Avenue Paving Project

COMMENTS: None.

Motion to Close CARRIED

Resolution Approving Plans and Specifications for the 2005 West Burlington Avenue Paving Project

DISCUSSION: None.

(VOTE: 5 - AYES ) ADOPTED

ORDINANCES:

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling the North-South Summer Street Right-of-Way North of Aetna Street

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Vacating and Selling the North-South Summer Street Right-of-Way North of Aetna Street from the first reading. Council Member King made a motion to waive the second reading and to final adopt the Ordinance Vacating and Selling the North-South Summer Street Right-of-Way North of Aetna Street. 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 Vacating and Selling the North-South Summer Street Right-of-Way North of Aetna Street

DISCUSSION: None.

(VOTE: 5 - AYES ) CARRIED

3. Motion to Amend the Motion for Preliminary Adoption of the Second 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: The City Manager stated that there were no changes to the Ordinance Vacating a 40 Foot Wide Sewer Easement on Lots 14, 15 and 53 of Smith s Addition

to the City of Burlington from the first reading. Council Member King made a motion to waive the second reading and to final adopt the Ordinance Vacating a 40 Foot Wide Sewer Easement on Lots 14, 15 and 53 of Smith s Addition to the City of Burlington. 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

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

COMMENTS FROM AUDIENCE: None.

Adjournment: 7:29 p.m. Approved: October 17, 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

PETITION:

1. Motion to Receive and File Petition from Property Owners of West Burlington Avenue Requesting the City of Burlington to Pave the North-South 920 Feet of West Burlington Avenue South of West Avenue to a Width of 31 Feet and Waiving Notice to Property Owners and Publication and Mailings as Provided in Section 384.50 of the Iowa Code and Request the Council to Proceed with Adoption of Preliminary Resolution, Plat, Schedule, Estimate of Cost, Resolution of Necessity and Plans and Specifications

RESOLUTIONS:

1. Preliminary Resolution for the 2005 West Burlington Avenue Paving Project
2. Resolution Ordering Notice to Waterworks Board of Trustees, Utility Companies

and Property Owners to Make, Repair, or Relocate Any Water or Other Utility Connections for the 2005 West Burlington Avenue Paving Project

3. Resolution Determining the Valuation of Each Lot for the Special Assessment of the 2005 West Burlington Avenue Paving Project

4. Resolution Adopting the Schedule and Estimated Cost for the Special Assessment of the 2005 West Burlington Avenue Paving Project

5. Resolution Approving Outdoor Service Area for Liquor License for Monica Smith dba/Dugout Lounge for Event on October 15, 2005

6. Resolution Approving Agreement between City of Burlington and Howard R. Green Company, Des Moines, Iowa for Engineering Services Concerning Aeration Tank #2 Concrete Beam Restoration at the Wastewater Treatment Facility

SET DATE FOR PUBLIC HEARING: OCTOBER 17, 2005

1. Consideration of a Permanent Encroachment Agreement between the City of Burlington and Christ Episcopal Church, 623 North 5th Street, for Placement of Sign in City Right-of-Way

APPOINTMENT:

Waterworks Board of Trustees: Jon Hart