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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 3
February 6, 2006

The Burlington City Council met in regular session at 7:00 p.m. in the City Hall, Council Chambers with Mayor Edwards, Council Members Campbell, Ell, Scott and Thomas 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.

Introduced By: Scott Seconded By: Edwards

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. 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 an Ordinance Amending Specified Sections of Chapter 157 Electrical Code of the City of Burlington Municipal Code

COMMENTS: The Development Director reviewed with the City Council and the viewing audience the proposed Ordinance amending specified sections of Chapter 157 Electrical Code. He stated that currently the City operates under the 2002 National Electrical Code. He stated that the proposed Ordinance adopts the 2005 National Electrical Code. He stated that the Electrical Board has recommended that the City Council adopt the proposed Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Campbell Seconded By: Scott

Motion to Close CARRIED

Introduced By: Campbell Seconded By: Edwards

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Specified Sections of Chapter 157 Electrical Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - AYES) CARRIED

2. Statement: Consideration of an Ordinance Creating and Adopting the Fun City Planned Unit Development (PUD) As Allowed by Section 17.20.40 of the Burlington Municipal Code

Introduced By: Thomas Seconded By: Scott

Motion to Close CARRIED

Introduced By: Thomas Seconded By: Edwards

Motion for Preliminary Adoption of the First Reading of an Ordinance Creating and Adopting the Fun City Planned Unit Development (PUD) As Allowed by Section 17.20.40 of the Burlington Municipal Code

DISCUSSION: The Development Director reviewed the proposed Ordinance creating and adopting the Fun City Planned Unit Development (PUD) with the City Council and the viewing audience. He stated that the reason for the project being a PUD verses a special use permit was as follows: it is a commercial enterprise, a redevelopment and \$25,000,000.00 will be invested. He stated that Phase I of the

project would include the casino/banquet facility; hotel/spa; parking structure and water feature. Phase II will consist of a theatre and large parking complex.

There will be three new streets; Cottonwood Street will be extended; the frontage road will be rerouted; Pizza Hut will remain at their present location and Long John Silvers will move north of the project. A total of 3,000 plus vehicles are expected on peak days. There will also be an 8 ft. walking path where pedestrians can walk to nearby restaurants and Community Field. Mary Baker

of 320 South 6th Street questioned where the proposed facility was planned for. The Development Director stated that the facility would be located by Fun City and Randy Winegard plans on purchasing right-of-way from Autumn Heights. The following persons spoke against the Ordinance Creating and Adopting the Fun City

Planned Unit Development (PUD): Pastor Cranston of Heritage Baptist Church; Pastor Stevens of 1529 Grove Street; Leon Shahan of 1821 Mt. Pleasant Street; Chuck Griffin of 2604 Clearview Drive; Paul Niemann of 3020 Columbia Street; Steve Graber of 2016 South 15th Street; Pastor Al Sparks of 302 South Garfield Avenue; Patrick Glacey of 1601 Parkway Drive; Pastor Fred Starling of 517 South 7th Street; Marshall Jackman of 2817 South Main Street; Steven Rowland of 2838 South Main Street; Todd Pirtle of Rural Des Moines County; Pastor David Zellman of West Burlington; Kirk Bennett of 2500 West Avenue and Carolyn Cloke of 607 North Central Avenue. Many of those who spoke against Fun City PUD were concerned with an increased crime rate; concern for people who have gambling addictions; gambling is corrupt and not biblical; increased traffic; instead of PUD should require a special use permit; Burlington becoming a tinsel town; conspiracy between City of Burlington and Randy Winegard (that the City knew about the project prior to the signing of the agreement for the aquatic park); too many service jobs; casino too close to family-oriented aquatic park; and location too close to elderly. Dan Carlson of 214 South Gunnison Street and member of the Plan Commission stated that he voted in favor of Fun City PUD as it met all the criteria for a PUD. He reminded those in attendance that this was

an Ordinance and could be repealed or any major changes to the PUD the issue goes back to the Plan Commission. He further stated that there would be no entrance from the present Fun City to the casino and that there would be security at the entrance of the casino. Randy Winegard of 3000 Kirkwood Street stated that he had a great deal of respect for those opposed to the project. He stated that the voters of Des Moines and Lee Counties approved gambling in 1994 and 2002. He stated that the present gambling boat pays no property taxes. He stated that his facility will be paying property taxes and will increase revenues in the gaming tax. He stated that there was no grand conspiracy with the City Council in regard to the plans of the casino. He stated that the plans didn't arise until after the agreement had been signed by the City. He stated that the project will add 500 jobs with some jobs paying very well. He stated that all profits stay in the County. He further stated that many individuals use

the casino as a form of recreation. He stated that the casino should generate a lot of income and bring many visitors to Burlington. He further stated that the City can stay the way it is or it can move forward. He stated that the project was a positive thing for Burlington. Police Chief Wunnenberg stated that he has reviewed the crime rate for the past five to six years and the crime rate has gone down in Burlington. He stated that the lower crime rate in Burlington creates less grant revenue to the City. He stated that there were only minor calls for service to the gambling riverboat. He explained that the DCI agent is a regulatory position and is required so that the gaming operation is fair. The City Manager stated that the issue of gambling in Des Moines County was last voted upon on November 5, 2002 and the issue will be voted upon again in November 2010. He stated that there was no conspiracy between the City of Burlington and Randy Winegard on the proposed project. He stated that the PUD actually allows for more public input than a special use permit. He explained that with a special use permit only the Zoning Board of Adjustment receives comment, not the City Council. Mayor Edwards stated that a person who is addicted to gambling can have themselves banned from a gambling establishment. He stated that no one on the City Council owns stock in Catfish Bend. Council Member Scott stated that the entire project (hotel/casino) was 350,000 square feet with the casino portion just 20,000 square feet of the 350,000 square feet.

He stated that the hotel will allow for conventions in Burlington. He further stated that Randy Winegard never asked the City for \$1,800,000.00. The City came

to Randy Winegard as they were planning on building an aquatic center. He praised the Winegard family for their honesty and interest in making Burlington a better place to live. Council Member Thomas stated that this was a tough decision for him, but that he would be voting in favor of Fun City PUD. He stated that prior to Catfish Bend docking in the riverfront, the riverfront had looked like a junkyard. He stated that he personally did not believe in gambling, but felt the project would spur economic growth. Council Member Ell stated that the most important thing is his integrity. He stated that there has been no conspiracy between the City and Randy Winegard on the issue of the project. He stated that in 2002, 63% of the voters of Des Moines County voted in favor of gambling.

Council Member Campbell thanked everyone for their input. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES Ell, Scott, Thomas and Edwards)

1 - NAY Campbell) CARRIED

3. Statement: Consideration of an Amended 28E Airport Authority Agreement Providing for Des Moines County Participation

COMMENTS: The City Manager stated that the proposed Resolution provides for an amended 28E Airport Authority agreement between the City of Burlington, City of West Burlington and Des Moines County. He stated that the 28E agreement provides

for expanded membership by adding Des Moines County. He stated that the City of West Burlington has already approved the amended 28E agreement. He further stated that the Des Moines County Supervisors still need to approve the amended 28E agreement. He stated that governing board will consist of five members, one member from West Burlington, three members from the City of Burlington and one member from Des Moines County with each board member serving a term of four years. Financial support will be as follows: City of Burlington \$115,500.00; City of West Burlington \$18,263.00 and Des Moines County \$21,560.00. Mayor Edwards stated that it was a great step toward regionalism. All present had opportunity to speak and nothing additional was filed in the office of the City

Clerk.

Introduced By: Ell Seconded By: Campbell
Motion to Close CARRIED

Introduced By: Ell Seconded By: Scott
Resolution Approving an Amended 28E Airport Authority Agreement Providing for
Des Moines County Participation

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

COMMENTS FROM AUDIENCE: None.

Adjournment: 9:47 p.m. Approved: February 21, 2006

Kathleen P. Salisbury, MMC Mike Edwards
City Clerk 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 Acceptance of the National Incident Management System (NIMS)
2. Resolution Approving Urban Revitalization Tax Exemptions Pursuant to Chapter 404 of the State Code of Iowa
3. Resolution Approving Agreement between the City of Burlington and Metzger Johnson Architects, Inc. for Enhancements to Burlington Memorial Auditorium (Vision Iowa Grant)
4. Resolution Authorizing the Execution of a Boundary Agreement Between the Anchor Building Corporation and the City of Burlington

SET DATE FOR PUBLIC HEARING: March 6, 2006

1. Consideration of an Ordinance Creating and Adopting the Sunrise West Planned Unit Development (PUD) Overlay District as Allowed by Section 17.20.40 of the Burlington Municipal Code