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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 6
March 20, 2006

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

BURLINGTON CITY COUNCIL

PROCLAMATION:

* Young House Family Services 35th Anniversary - Jack Escorcica and Marcia Walker

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: Campbell Seconded By: Scott

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Pro-Tem Ell reviewed those items listed on the consent agenda.

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

(VOTE: 4 - AYES) CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Amending Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban Revitalization Plan

COMMENTS: The Deputy City Manager stated that the proposed Ordinance Amends Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban Revitalization Plan. He stated that the amendment was minor and would remove the

present cap of all property assessed as residential with a value of \$200,000.00 or less for single family to all property assessed as residential, regardless of

value. He stated that all other provisions of the Ordinance would remain the same. Jim Corder of Des Moines County stated that he was building a new home in Mason Meadows. He commended the City Council for being very responsive to the proposed amendment to the Urban Revitalization Plan. Council Member Scott stated

that the public made the request and he was happy that the Council was able to make the proposed change to the Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Introduced By: Scott Seconded By: Thomas

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban

Revitalization Plan

DISCUSSION: None.

(VOTE: 4 - AYES) CARRIED

2. Statement: Consideration of an Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Property Located at 710 North Front Street (Big Muddy s) from C-2 (General Commercial Zoning District) to C-3 (Central Business District (Downtown Mixed Use) Zoning District)

COMMENTS: The Development Director reviewed the proposed Ordinance Amending the Official Zoning Map of the City of Burlington by Rezoning the Property Located at 710 North Front Street (Big Muddy s) from C-2 (General Commercial Zoning District) to C-3 (Central Business District (Downtown Mixed Use) Zoning District). He stated that the petitioner, Randy Winegard, plans on building one apartment on the upper level of Big Muddy s (the former Rock Island Freight House). He stated that Randy Winegard rents the facility from the City of Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Introduced By: Thomas Seconded By: Scott

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 Located at 710 North Front Street (Big Muddy s) from C-2 (General Commercial Zoning District) to C-3 (Central Business District (Downtown Mixed Use) Zoning District)

DISCUSSION: None.

(VOTE: 4 - AYES) CARRIED

3. Statement: Consideration of an Ordinance Amending Chapter 57 Park Regulations of the Burlington Municipal Code by Adding a New Section Entitled Feeding of Animals

COMMENTS: The Parks and Recreation Director reviewed the proposed Ordinance Amending Chapter 57 Park Regulations of Burlington Municipal Code by Adding a New Section Entitled Feeding of Animals. He stated that the new section would prohibit the feeding of any type of animal, wild or domestic, within 500 feet of

Lake Starker in Crapo Park. He explained that the reason for the new section was

to discourage feeding the geese at Lake Starker, which has become a health and waste problem. Council Member Scott stated that he received an e-mail from a citizen opposed to the Ordinance amendment as he did not feel it would make a lot of difference. Council Member Ell stated that he has received many comments both in favor and against the proposed Ordinance. He felt that the Ordinance was

a step in the right direction. Council Member Thomas stated that he received calls both in favor and against the Ordinance also. He felt that the City Council should also look into the problem of pigeons in the downtown district, which have also become a problem. Council Member Campbell stated that he felt the Ordinance was too broad and that those with domestic animals would not be able to stop and feed their dog near Lake Starker without being ticketed. The Parks and Recreation Director stated that the reason for listing any type of animal, wild or domestic was to discourage citizens from feeding squirrels, etc.

He further stated that his office has received many complaints from citizens regarding the waste deposited by the geese. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Introduced By: Thomas Seconded By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Chapter 57 Park Regulations of the Burlington Municipal Code by Adding a New Section Entitled Feeding of Animals

DISCUSSION: None.
(VOTE: 4 - AYES) CARRIED

4. Statement: Consideration of Plans and Specifications for the 2006 HMA Overlay Project

COMMENTS: The Public Works Director reviewed the plans and specifications for the 2006 HMA Overlay Project. He stated that the project would include resurfacing 36 blocks of streets (10th Street, Dodge Street to South Street; 12th Street, South Street to Spruce Street; 16th Street, Hedge Street to South End; 8th Street, South Street to Angular Street; Adams Street, Market Street to Smith Street; Amelia Street, Marshall Street to Leebrick Street; Columbia Street, 8th Street to Central Avenue; Dodge Street, Madison Avenue to 10th Street; Leebrick Street, Market Street to Smith Street; Market Street, 9th Street to PCC; Market Street, Starr Avenue to Marshall Street; Starr Avenue, Smith Street to North End; Washington Street, Gunnison Street to PCC). He stated

that the proposed budget available was \$926,485.00 with the construction estimate at \$861,765.00. Funding would be approximately 50% sales tax monies and

approximately 50% general obligation bonds. He stated that the City Council would receive bids on April 5, 2006 and the contract would be awarded by the City Council on April 17, 2006. He further stated that construction would commence the summer of 2006. Council Member Scott questioned if the five year street plan was less than originally planned. He also questioned if the Public Works Department would be doing maintenance of sealcoated streets this summer. The Public Works Director stated that the five year street plan was cut by \$100,000.00 due to a shortage of local option sales tax monies. He further stated that every summer his department does an inventory of sealcoated streets that need repair work. He urged the Council to contact him, if they are aware of

any sealcoated streets that need repair work. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Introduced By: Campbell Seconded By: Thomas
Resolution Approving Plans and Specifications for the 2006 HMA Overlay Project

DISCUSSION: None.
(VOTE: 4 - AYES) ADOPTED

ORDINANCE:

Introduced By: Scott Seconded By: Thomas
4. Motion for Preliminary Adoption of the Second Reading 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

DISCUSSION: The Development Director stated that there were three proposed amendments to the proposed Ordinance Creating and Adopting the Sunrise West Planned Unit Development (PUD) since the first reading of the Ordinance. He stated that all three amendments were fairly simple amendments dealing with Section 3-Conditions, Section 11-Pedestrian Sidewalks and Section 12-Street Right-of-Way. All three amendments were introduced and seconded and approved by the City Council. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES) CARRIED

Introduced By: Scott Seconded By: Ell

1. Motion to Amend Section 3. Conditions of the Proposed Ordinance Creating and Adopting the Sunrise West Planned Unit Development (PUD) Overlay District

DISCUSSION: None.

(VOTE: 4 - AYES) CARRIED

Introduced By: Scott Seconded By: Thomas

2. Motion to Amend Section 11. Pedestrian Sidewalks of the Proposed Ordinance Creating and Adopting the Sunrise West Planned Unit Development (PUD) Overlay District

DISCUSSION: None.

(VOTE: 4 - AYES) CARRIED

Introduced By: Scott Seconded By: Thomas

3. Motion to Amend Section 12. Street Right-of-Way of the Proposed Ordinance Creating and Adopting the Sunrise West Planned Unit Development (PUD) Overlay District

DISCUSSION: None.

(VOTE: 4 - AYES) CARRIED

RESOLUTION:

Introduced By: Scott Seconded By: Thomas

1. Resolution Approving the Preliminary Plat of First Addition to Sunrise West Subdivision

DISCUSSION: The Development Director reviewed with Council and the viewing audience the Resolution approving the Preliminary Plat of First Addition to Sunrise West Subdivision. He stated that the First Addition to Sunrise West Subdivision was a four-lot subdivision with most of the conditions being covered

in the proposed Sunrise West Planned Unit Development (PUD). He stated that he would be bringing forth the final plat of the subdivision for approval at a future meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES) ADOPTED

COMMENTS FROM AUDIENCE: None.

Adjournment: 7:34 p.m. Approved: April 3, 2006

Kathleen P. Salisbury, MMC William L. Ell

City Clerk Mayor Pro-Tem

(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 Renewal of Taxi Cab/Vehicle for Hire License for Charlie

Manes dba/C-Yellow Cab

2. Resolution Approving Policy on Deaf Child Area Warning Signs

SET DATE FOR PUBLIC HEARING: April 17, 2006

1. Consideration of Annual Consolidated Transit Funding Application