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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 7
April 3, 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. Council Member Ell presented the City Council with a minute man statute and coin from the 224th National Guard in appreciation for the City of Burlington s dedication and support to the men and women of the National Guard who serve to defend freedom. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * Earth Day 2006 - Joe Haley
- * Sexual Assault Awareness Month - Char Blodgett
- * Youth Appreciation Week - Jamie Blow

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: Thomas

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

ORDINANCES:

Introduced By: Scott Seconded By: Edwards

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban Revitalization Plan

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Amending Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban Revitalization Plan from the first reading. Council Member Scott made a motion to amend the motion for second reading and to final adopt the proposed Ordinance. 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

Introduced By: Scott Seconded By: Edwards

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of An Ordinance: An Ordinance Amending Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban

Revitalization Plan

DISCUSSION: None.

(VOTE: 5 - AYES) CARRIED

Introduced By: Ell Seconded By: Edwards

3. 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 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: 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 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) from the first reading. Council Member Ell made a motion to amend the motion for second reading and to final adopt the proposed Ordinance. 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

Introduced By: Ell Seconded By: Thomas

4. 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 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: 5 - AYES) CARRIED

Introduced By: Ell Seconded By: Edwards

5. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Chapter 57 Park Regulations of the Burlington Municipal Code by Adding a New Section Entitled Feeding of Animals

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Amending Chapter 57 Park Regulations of the Burlington Municipal Code by Adding a New Section Entitled Feeding of Animals from the first reading. Council Member

Scott stated that he would be voting against the proposed ordinance as he felt the geese problem would not be cured just from not feeding the geese. He further

stated that the proposed Ordinance would make criminals out of people who enjoy feeding birds. Mayor Edwards stated that he would also be voting against the proposed Ordinance as he has spent approximately two and a half hours of phone conversations with various individuals all opposed to the proposed Ordinance. He

further stated that if the Avian Flu becomes a problem in this region that he would advocate removal of the geese as deemed appropriate. Council Member Thomas

stated that he felt the proposed Ordinance would provide for an image problem in

Burlington with out-of-town visitors feeding geese and receiving tickets. He stated that for many people the feeding of geese was a form of entertainment. He

further urged the Parks Advisory Board to find a different solution for the

geese problem. Council Member Ell stated that he sees the proposed Ordinance as a first step in an effort to clean up the area. He further stated that it was a safety issue and that he would be voting in favor of the proposed Ordinance. All

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

(VOTE: 1 - AYE ELL

4 - NAYS SCOTT, THOMAS, CAMPBELL AND EDWARDS) FAILED

Introduced By: Campbell Seconded By: Edwards

6. Motion for Final Adoption 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 City Manager stated that there were no changes to the 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 from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES) CARRIED

RESOLUTION:

Introduced By: Thomas Seconded By: Edwards

1. Resolution Accepting a Recreational Easement Agreement with Huckleberry Entertainment, LLC for the Lake and the Adjacent Property

DISCUSSION: The City Manager explained that the proposed Resolution accepts a recreational easement agreement for the man-made lake and the adjacent property between the City of Burlington and Huckleberry Entertainment, LLC located at Fun

City/Pzazz. He stated that the easement is given to the City for public use/recreational purposes and will run with the land as a perpetual easement. This grants unto the City, its residents and visitors an easement for the purpose of picnicking and other recreational activities. The Development Director reviewed with the Council and the viewing audience the map of the site location. Mayor Edwards questioned how deep the lake will be. The Development Director stated that the depth of the lake will vary between 5 ft. and 10 feet deep and will accept runoff from the roof of the proposed Casino. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES) ADOPTED

INSERT CITY CLAIMS, PAYROLL AND DISBURSEMENT OF FUNDS

COMMENTS FROM AUDIENCE: Jim Corder, of Des Moines County and future homeowner of

Mason Meadows, thanked the City Council and staff for their expedience in creating and approving the Ordinance Amending Ordinance No. 2947 as Previously Amended, Amending the Provisions of the Urban Revitalization Plan. He further stated that he has lived by a small pond for the past 35 years where no one feeds the geese and yet the geese still come to the pond. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:38 p.m. Approved: April 17, 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

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Demolition/Nuisance Abatements for Various Properties
2. Resolution Establishing Sewer User Fees, Solid Waste Fees and Ambulance Service Fees Effective July 1, 2006
3. Resolution to Revise the 2006 Fee and Charge Schedule at Flint Hills Golf Course
4. Resolution Amending the City of Burlington Urban Federal Functional Classification System and National Highway System
5. Resolution Awarding Contract for the 2006 Port of Burlington, North Bay, Overhead Door

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of a Resolution Approving an Economic Development Set-Aside Grant Through the Iowa Department of Economic Development for CNH Global, Inc. (April 10th)
2. Consideration of an Ordinance Vacating and Selling a 60-Foot Portion of the North-South, 16-Foot Wide Alley Right-of-Way, Located Between South 4th Street and South 5th Street and Division Street and Elm Street (April 17th)
3. Consideration of an Ordinance Amending Ordinance No. 3101 Establishing the Comprehensive Strategic Plan for the City of Burlington and Amending the Future Land Use Map Contained Therein (April 17th)
4. Consideration of a Resolution Approving Transit Fees (April 17th)
5. Consideration of Plans and Specifications for the 2006 Sealcoat Project (April 17th)
6. Consideration of Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Property Located at the Southwest Corner of Summer Street and Hillary Street from C-1 (Limited Commercial Zoning District) to R-1 (Single-Family Residential Zoning District) (May 1st)