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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 9  
May 1, 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. Boy Scout Troops No. 3 and No. 1 led the City Council in the Pledge of Allegiance.

BURLINGTON CITY COUNCIL

- \* A Day of Prayer - Pastor Frank Beaty
- \* Motorcycle Safety Awareness Month - Kemton Cole
- \* National Association of Letter Carriers, and Local No. 222 Day - Kathleen Hemmesch and  
Dunker Lietsch

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.

Introduced By: Campbell                      Seconded By: Scott

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.

(VOTE: 5 - AYES )

CARRIED

HEARINGS:

1. Statement: Consideration of an 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)

COMMENTS: The Development Director stated that the proposed Ordinance amends the

official zoning map for the City of Burlington 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).

He stated that the petitioner plans on building a horse riding complex for his daughter. He stated that the Plan Commission recommended approval of the rezoning. He further stated that there has been no negative feedback from neighboring property owners opposed to the rezoning. Council Member Ell stated that Doug Pohren, the petitioner, will be a responsible owner, but felt the City

Council needed to review and clarify in the near future the issue of livestock within the City limits of Burlington. Mary Baker of 320 South 6th Street also

stated that the petitioner plans on taking care of his property. 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

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 the Southwest Corner of Summer Street and Hillary Street from C-1 (Limited Commercial Zoning District) to R-1 (Single-Family Residential Zoning District)

DISCUSSION: None.

(VOTE: 5 - AYES )

CARRIED

2. Statement: Consideration of an Ordinance Amending Chapter 160 Abandoned or Unsafe Buildings to Include Structures Identified as Meth Homes

COMMENTS: The Development Director stated that the proposed Ordinance amends Chapter 160 Abandoned or Unsafe Buildings to include structures identified as meth homes. He stated that the proposed Ordinance was a joint venture with the Inspection Department working closely with the Police Department. He explained that one pound of meth creates between five and seven pounds of waste material that can enter the body and lodge itself in porous materials. He explained that

any building, structure and/or dwelling unit that have been used in the making, manufacturing or cooking of methamphetamine as determined by the Burlington Police Department or other law enforcement agency having jurisdiction within Burlington city limits, the building or structure will be vacated and remain abandoned and unsafe until certain conditions are met. The Police Chief stated that since the State law was passed limiting the amount of pseudoephedrine that can be purchased, the total number of meth labs closed per month in the State of

Iowa went from 124 to 28. Detective Rob Purdy of Southeast Iowa Narcotics Task Force stated that Fiscal Year 2004-2005 there was 44 meth labs seized/search warrants and during Fiscal Year 2005-2006 they have seized only three meth labs.

Mary Baker of 320 South 6th Street questioned how the properties would be cleaned up. The Development Director stated that cleanup would depend on the amount of contamination that was in the building/structure. He stated that it would be possible that the building/structure would have to be gutted and cleanup could cost between \$5,000.00 and \$150,000.00. After discussion by the City Council the first reading of the Ordinance was adopted. 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 160 Abandoned or Unsafe Buildings to Include Structures Identified as Meth Homes

DISCUSSION: None.

(VOTE: 5 - AYES )

CARRIED

3. Statement: Consideration of an Ordinance Amending the Land Use Section of the Comprehensive Plan and Future Land Use Map for the City of Burlington

COMMENTS: The Development Director reviewed the proposed changes to the Ordinance Amending the Land Use Section of the Comprehensive Plan and Future Land Use Map for the City of Burlington with the City Council and the viewing audience. Mary Baker of 320 South 6th Street stated that she was glad the City Council was removing impossible dreams from the Comprehensive Plan as she felt they needed to be removed when she served on the City Council. The City Manager

explained that the proposed ordinance amends the land use portion of the Comprehensive Plan and it does not deal with the Downtown Comprehensive Plan. He explained that the Downtown Comprehensive Plan was a think big plan that the Council will amend in 2010-2011. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Introduced By: Ell Seconded By: Scott  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending the Land Use Section of the Comprehensive Plan and Future Land Use Map for the City of Burlington

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

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

DISCUSSION: The City Manager stated that there were no changes to the proposed 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 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

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

DISCUSSION: The City Manager stated that there were no changes to the proposed Ordinance Amending Ordinance No. 3101 Establishing the Comprehensive Strategic Plan for the City of Burlington and Amending the Future Land Use Map Contained Therein 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: Scott

Seconded By: Thomas

1. Resolution Authorizing the City of Burlington to Execute a Grant Application to the Iowa Department of Economic Development Community Economic Betterment Account (CEBA) Program in Connection with Tjaden Biosciences, LLC

DISCUSSION: The City Manager stated that the proposed Resolution authorizes the City of Burlington to execute a grant application to the Iowa Department of Economic Development Community Economic Betterment Account (CEBA) Program in connection with Tjaden Biosciences, LLC. He stated that the City was granting a

forgivable loan in the amount of \$30,000.00 from the Sales Tax Economic Development Fund and Des Moines County was granting \$10,000.00 from their County

Economic Development Fund. Tjaden Biosciences, LLC was providing \$1,120,000.00 in private sources. He further stated that the grant would provide for creation of new job opportunities and additional capital investment. 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: 7:58 p.m.  
, 2006

Approved: May 15

Kathleen P. Salisbury, MMC  
ards  
City Clerk

Mike Edw  
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 Outdoor Service Area for Liquor License for Paddlewheel Lounge, Inc. dba/Paddlewheel Lounge for Day Event on May 19, 2006
2. Resolution Approving Demolition/Nuisance Abatements for Various Properties

SET DATE FOR PUBLIC HEARINGS: May 15, 2006

1. Consideration of Plans and Specifications for the 2006 Court Street Reconstruction Project
2. Consideration of Plans and Specifications for the 2006 City of Burlington Public Improvement Project, Aeration Tank No. 2 Concrete Beam Restoration
3. Consideration of Amendment to Fiscal Year 2005-2006 Budget

APPOINTMENTS:

Historic Preservation Commission: Robert McCannon and Lisa Ortziger